

# TIBET: SPECIAL FOCUS FOR 2007

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## **Tibet: Special Focus for 2007**

### **FINDINGS**

- No progress in the dialogue between China and the Dalai Lama or his representatives is evident. After the Dalai Lama's Special Envoy returned to India after the sixth round of dialogue, he issued the briefest and least optimistic statement to date. Chinese officials showed no sign that they recognize the potential benefits of inviting the Dalai Lama to visit China so that they can meet with him directly.
- Chinese government enforcement of Party policy on religion resulted in an increased level of repression of the freedom of religion for Tibetan Buddhists during the past year. The Communist Party intensified its long-running anti-Dalai Lama campaign. Tibetan Buddhism in the Tibet Autonomous Region (TAR) is coming under increased pressure as recent legal measures expand and deepen government control over Buddhist monasteries, nunneries, monks, nuns, and reincarnated lamas. The Chinese government issued legal measures that if fully implemented will establish government control over the process of identifying and educating reincarnated Tibetan Buddhist teachers throughout China.
- Chinese authorities continue to detain and imprison Tibetans for peaceful expression and non-violent action, charging them with crimes such as "splittism," and claiming that their behavior "endangers state security." The Commission's Political Prisoner Database listed 100 known cases of current Tibetan political detention or imprisonment as of September 2007, a figure that is likely to be lower than the actual number of Tibetan political prisoners. Based on sentence information available for 64 of the current prisoners, the average sentence length is 11 years and 2 months. Tibetan Buddhist monks and nuns make up a separate set of 64 of the known currently detained or imprisoned Tibetan political prisoners as of September 2007, according to data available in the Commission's Political Prisoner Database. Based on data available for 42 currently imprisoned Tibetan monks and nuns, their average sentence length is 10 years and 4 months. (It is a coincidence that the number of monks and nuns, and the number of prisoners for whom the Commission has sentence information available, are both 64).
- In its first year of operation, the Qinghai-Tibet railway carried 1.5 million passengers into the TAR, of whom hundreds of thousands are likely to be ethnic Han and other non-Tibetans seeking jobs and economic opportunities. The government is establishing greater control over the Tibetan rural population by implementing programs that will bring to an end the tradi-

tional lifestyle of the Tibetan nomadic herder by settling them in fixed communities, and reconstructing or relocating farm villages.

#### INTRODUCTION

The human rights environment that the Communist Party and Chinese government enforce in the Tibetan areas of China has not improved over the past five years, and has deteriorated since 2005. No progress in the dialogue between China and the Dalai Lama or his representatives is evident. Implementation of China's Regional Ethnic Autonomy Law is weak and prevents Tibetans from realizing the law's guarantee that ethnic minorities have the "right to administer their internal affairs." The Communist Party tolerates religious activity only within strict limits imposed by China's constitutional, legal, and policy framework. Legal measures issued in 2006 and 2007 impose unprecedented government control on Tibetan Buddhist activity. Party campaigns that seek to discredit the Dalai Lama as a religious leader, to portray him and those who support him as threats to China's state security, and to prevent Tibetans from expressing their religious devotion to him have intensified since 2005.

The government and Party prioritize economic development over cultural protection, eroding the Tibetan culture and language. Changes in Chinese laws and regulations that address ethnic autonomy issues and that have been enacted since 2000, when the government implemented the Great Western Development program, tend to decrease the protection of ethnic minority language and culture. The Qinghai-Tibet railway began service in July 2006 and has carried thousands of passengers to Lhasa each day, leading to crowded conditions in the city and increased pressure on the Tibetan culture. In recent years, governments in some Tibetan areas have accelerated the implementation of programs that require nomadic Tibetan herders to settle in fixed communities. The Chinese government applies the Constitution and law in a manner that restricts and represses the exercise of human rights by Tibetans, and that uses the law to punish peaceful expression and action by Tibetans deemed as threats to state security. The government made no progress in the past year toward improving the right of Tibetans in China to exercise their constitutionally guaranteed freedoms of religion, expression, and assembly. Such restrictions are inconsistent with the Chinese government's obligations under international human rights standards.

#### STATUS OF DISCUSSION BETWEEN CHINA AND THE DALAI LAMA

##### *Commission Recommendations, U.S. Policy, and the Report on Tibet Negotiations*

Commission Annual Reports in 2002, 2004, 2005, and 2006 included recommendations in support of the dialogue between the Chinese government and the Dalai Lama or his representatives. The Commission has observed no evidence of substantive progress in that dialogue toward fair and equitable decisions about policies that could help to protect Tibetans and their religion, language, and culture, even though a session of dialogue took place each year

beginning in 2002, and even though a basis for such protections exists under China's Constitution and law.<sup>1</sup> In response to the lack of progress over the years, the Commission strengthened recommendations in successive annual reports.<sup>2</sup> The 2006 Annual Report called for efforts to persuade the Chinese government to invite the Dalai Lama to visit China so that he could seek to build trust through direct contact with the Chinese leadership.<sup>3</sup> In 2007, Chinese officials continued to allow the potential mutual benefits of the dialogue process—a more secure future for Tibetan culture and heritage, and improved stability and ethnic harmony in China—to remain unrealized.

The U.S. Congress will award the Congressional Gold Medal to the Dalai Lama on October 17.<sup>4</sup> The congressional act providing for the award finds that the Dalai Lama “is the unrivaled spiritual and cultural leader of the Tibetan people, and has used his leadership to promote democracy, freedom, and peace for the Tibetan people through a negotiated settlement of the Tibet issue, based on autonomy within the People's Republic of China.”<sup>5</sup>

U.S. government policy recognizes the Tibet Autonomous Region (TAR) and Tibetan autonomous prefectures and counties<sup>6</sup> in other provinces to be a part of China.<sup>7</sup> The Department of State's 2007 Report on Tibet Negotiations articulates U.S. Tibet policy:

Encouraging substantive dialogue between Beijing and the Dalai Lama is an important objective of this Administration. The United States encourages China and the Dalai Lama to hold direct and substantive discussions aimed at resolution of differences at an early date, without preconditions. The Administration believes that dialogue between China and the Dalai Lama or his representatives will alleviate tensions in Tibetan areas and contribute to the overall stability of China.<sup>8</sup>

The Report on Tibet Negotiations observes that the Dalai Lama “represents the views of the vast majority of Tibetans,” and that “his moral authority helps to unite the Tibetan community inside and outside of China.”<sup>9</sup> The report cautions that “the lack of resolution of these problems leads to greater tensions inside China and will be a stumbling block to fuller political and economic engagement with the United States and other nations.” The report rejects the notion that the Dalai Lama is seeking Tibetan independence:

[T]he Dalai Lama has expressly disclaimed any intention to seek sovereignty or independence for Tibet and has stated that he only seeks for China to preserve Tibetan culture, spirituality, and environment.<sup>10</sup>

The President and other senior U.S. officials have pressed Chinese leaders to move forward in the dialogue process, according to the Report on Tibet Negotiations. In April and November 2006, President Bush urged President Hu Jintao to continue the dialogue and hold direct discussions with the Dalai Lama.<sup>11</sup> Secretary of State Condoleezza Rice called on Foreign Minister Li Zhaoxing to engage in direct talks with the Dalai Lama when they met at the UN General Assembly in September 2006.<sup>12</sup> When Secretary Rice traveled to China in October 2006, she reiterated the request for direct dialogue between Chinese officials and the Dalai Lama.<sup>13</sup>

Under Secretary of State for Democracy and Global Affairs Paula Dobriansky, who has served since 2001 as the Special Coordinator for Tibetan Issues and as a CECC Commissioner,<sup>14</sup> traveled to Beijing in August 2006 and raised “the need for concrete progress” during meetings with officials including Executive Vice Foreign Minister Dai Bingguo and Assistant Foreign Minister Cui Tiankai, according to the Report on Tibet Negotiations.<sup>15</sup> Deputy Secretary of State John Negroponte raised the same issues during a February 2007 visit to China.<sup>16</sup>

*Dalai Lama’s Envoys’ Fifth Visit to China; Discussions with the Party’s UFWD*

The Dalai Lama’s envoys visited China for the fifth time<sup>17</sup> from June 29 to July 5, 2007, to engage in their sixth round of dialogue with Chinese officials.<sup>18</sup> The trip culminated with the briefest<sup>19</sup> and least optimistic statement issued after any of the previous rounds of dialogue. Special Envoy Lodi Gyari<sup>20</sup> reported that he and Envoy Kelsang Gyaltsen engaged in three “sessions of discussion” in Shanghai and Nanjing, the capital of Zhejiang province, over a one and one-half day period.<sup>21</sup> The statement provided no details about the topics the envoys discussed in meetings, or about their activities and location during the remainder of their visit. Unlike previous statements, the Special Envoy’s statement did not close with an expression of “appreciation” to Chinese officials and hosts, perhaps signaling an increased level of frustration.

Gyari’s statement acknowledged that the dialogue process had reached a “critical stage,” and that “[b]oth sides expressed in strong terms their divergent positions and views on a number of issues.” Referring to the lack of progress, Gyari said, “We conveyed our serious concerns in the strongest possible manner on the overall Tibetan issue and made some concrete proposals for implementation if our dialogue process is to go forward.”<sup>22</sup> The statement provided no details about the proposals that the envoys hope Chinese officials will implement.

In China, the envoys met with the Communist Party’s United Front Work Department (UFWD) Deputy Head Zhu Weiqun and UFWD Seventh Bureau Director Sithar (or Sita).<sup>23</sup> The UFWD oversees the implementation of Party policy toward China’s eight “democratic” political parties, ethnic and religious groups, intellectuals, and entrepreneurs, among other functions. The UFWD established the Seventh Bureau in 2005 and appointed Sithar as Director, according to a September 2006 Singtao Daily report.<sup>24</sup> The Tibetan affairs portfolio moved from the Second Bureau, which handles ethnic and religious affairs, to the new Seventh Bureau. Sithar previously served as a deputy director of the Second Bureau.<sup>25</sup>

The creation of the UFWD Seventh Bureau may signal that the Party leadership has attached increased importance to Tibetan issues, such as the ongoing dialogue with the Dalai Lama’s representatives. The mission of the Seventh Bureau, according to the Singtao Daily report, is “to cooperate with relevant parties in struggling against secessionism by enemies, both local and foreign, such as the Dalai Lama clique, and to liaise with overseas Tibetans.”<sup>26</sup> The report notes that Party leaders are concerned

principally about the “development of the Tibet independence movement in the ‘post-Dalai Lama era’.”<sup>27</sup>

UFWD officials with whom the Dalai Lama’s envoys meet also hold additional posts in governmental, advisory, and NGO spheres that increase and extend their influence on the future of Tibetan culture, religion, and language. Liu Yandong, whom the envoys met during trips to China in 2003 and 2004,<sup>28</sup> is head of the UFWD, Vice Chairman of the Chinese People’s Political Consultative Conference, and the Honorary President of China Association for Preservation and Development of Tibetan Culture (CAPDTC), a Chinese NGO founded in June 2004 that describes its legal status as “independent.”<sup>29</sup> Zhu is a member of the CCP Central Commission for Discipline Inspection, a senior official of the State Council Information Office,<sup>30</sup> a cabinet-level part of the Chinese government, and the Vice President of CAPDTC.<sup>31</sup> Sithar is CAPDTC’s Vice Chairman.<sup>32</sup>

*A Tibetan Vision of Autonomy: The Special Envoy Provides More Detail*

In 2006 and 2007, the Dalai Lama, Special Envoy Lodi Gyari, and the elected head of the Tibetan government-in-exile, Samdhong Rinpoche, increased their efforts to advocate their vision of Tibetan autonomy under Chinese sovereignty, and to provide more detailed statements about their proposed formula. In his annual March 10, 2007, statement,<sup>33</sup> the Dalai Lama asserted, “The most important reason behind my proposal to have genuine national regional autonomy for all Tibetans is to achieve genuine equality and unity between the Tibetans and Chinese by eliminating big Han chauvinism and local nationalism.”<sup>34</sup> In testimony before the U.S. House of Representatives Foreign Affairs Committee on March 13, 2007, Gyari stated, “In treating the Tibetan people with respect and dignity through genuine autonomy, the Chinese leadership has the opportunity to create a truly multi-ethnic, harmonious nation without a tremendous cost in human suffering.”<sup>35</sup> Samdhong Rinpoche told a gathering of advocacy groups in Brussels in May 2007, “We are simply asking for the sincere implementation of the national regional autonomy provisions enshrined in the Constitution of the People’s Republic of China, which is further spelt out in the autonomy law.”<sup>36</sup>

The basis of the Tibetan negotiating position continues to be the Dalai Lama’s Middle Way Approach,<sup>37</sup> which renounces Tibetan independence in exchange for genuine autonomy. An outcome of the dialogue process that would fulfill Tibetan wishes in a manner consistent with the Middle Way Approach would require the Chinese government’s agreement to:

- The inclusion under the agreement of all the areas in China that many Tibetans regard as “the three traditional provinces of Tibet,” or about one-quarter of China;<sup>38</sup>
- The unification of that area under one genuinely autonomous administration; and
- The empowerment of the residents of the resulting administrative area to elect a government through a democratic process.

Gyari identified the Chinese response to the Tibetan demands that “the entire Tibetan people need to live under a single administrative entity,” and that Tibetans practice “genuine autonomy,” as the principal area of disagreement in a November 2006 address at the Brookings Institution in Washington, D.C.<sup>39</sup> His prepared statement<sup>40</sup> and responses to questions<sup>41</sup> were more detailed than remarks Gyari made after the previous rounds of dialogue. The Dalai Lama emphasized his commitment to the same principles in March 2006, saying in his March 10 speech, “I have only one demand: self-rule and genuine autonomy for all Tibetans, i.e., the Tibetan nationality in its entirety.”<sup>42</sup> Samdhong Rinpoche underscored the importance Tibetans place on including all Tibetans in a reconfigured Tibet when he addressed advocacy groups in May: “[A]ll Tibetans must be administered by a single autonomous self-government.”<sup>43</sup>

Like many Tibetans, Gyari refers to all of the territory in China where Tibetans live as “Tibet.” “[I]t is a reality that the landmass inhabited by Tibetans constitutes roughly one-fourth<sup>44</sup> the territory of [China],” he said in his Brookings statement.<sup>45</sup> The Chinese government “has already designated almost all Tibetan areas as Tibet autonomous entities. . . . Thus, our positions on what constitutes Tibet are really not so divergent.”<sup>46</sup> The land area that Tibetans claim as Tibet is about 100,000 square miles larger than the total area of the TAR and the Tibetan autonomous prefectures and counties designated by China.<sup>47</sup> Aside from pockets of long-term Tibetan settlement in Qinghai province,<sup>48</sup> most of the area that Tibetans claim beyond the existing Tibetan autonomous areas is made up of autonomous prefectures and counties allocated to other ethnic groups.<sup>49</sup> Ten counties in that area have populations that are between 5 and 25 percent Tibetan, according to official 2000 census data.<sup>50</sup> The precise portion of the approximately 100,000 square mile area that Tibetans claim as Tibet, and where the Tibetan population is less than 5 percent,<sup>51</sup> is unknown because a map that indicates the boundary of Tibet with respect to current Chinese administrative geographic divisions at the prefectural and county levels is not available.

Gyari addressed the critics of proposed administrative unification of land where Tibetans live, saying, “Having the Tibetan people under a single administrative entity should not be seen as an effort to create a ‘greater’ Tibet, nor is it a cover for a separatist plot.”<sup>52</sup> Tibetans “yearn to be under one administrative entity so that their way of life, tradition, and religion can be more effectively and peacefully maintained,” he said, and pointed out that the Chinese government “has redrawn internal boundaries when it suited its needs.”<sup>53</sup> Gyari’s prepared statement cites as an example the abolition in 1955 of Xikang province upon the completion of the division of its territory between Sichuan province and what later became the TAR.<sup>54</sup>

Establishing a unified Tibetan autonomous administrative area such as the Special Envoy described would involve all of the TAR, all or most of Qinghai province, approximately half of Sichuan province, parts of Gansu and Yunnan provinces, and according to some maps, a small part of Xinjiang Uighur Autonomous Region.<sup>55</sup> Under China’s Constitution, establishing or changing units of ad-



ministrative geography would require approval by the National People's Congress (NPC) or the State Council, or both.<sup>56</sup>

The Dalai Lama and Lodi Gyari provided more detailed statements than previously about their expectations of "genuine autonomy," which can be compared to the prevailing situation under the Regional Ethnic Autonomy Law (REAL).<sup>57</sup> Although the REAL declares in its Preamble that the practice of autonomy conveys the state's "full respect for and guarantee of ethnic minorities' right to administer their internal affairs,"<sup>58</sup> the Dalai Lama explained in his March 10, 2007, statement the manner in which he believes the REAL has failed ethnic groups like Tibetans:

The problem is that [regional ethnic autonomy] is not implemented fully, and thus fails to serve its express purpose of preserving and protecting the distinct identity, culture and language of the minority nationalities. What happens on the ground is that large populations from the majority nationalities have spread in these minority regions. Therefore, the minority nationalities, instead of being able to preserve their own identity, culture and language, have no choice but to depend on the language and customs of the majority nationality in their day-to-day lives.<sup>59</sup>

Gyari's statement to the Brookings Institution implied that a solution to the autonomy issue would have to reach beyond the REAL's status quo, and perhaps be innovative. He discussed the Tibetan need for autonomy in the context of the higher level of rights that Hong Kong and Macao enjoy under their status as special administrative regions (SARs).<sup>60</sup> Gyari said that the Tibetans have not proposed to their Chinese interlocutors any specific autonomy formula or administrative title, such as an SAR, and stressed, "[W]e place more importance on discussing the substance than on the label."<sup>61</sup> Samdhong Rinpoche maintained that a solution is available within the existing constitutional and legal environment: "The PRC leadership can very easily grant whatever we are asking for, if they have the political will. They need not have to amend their constitution nor make a major shift in their policies."<sup>62</sup>

#### *The Tibetan Vision of Autonomy Versus China's Constitution and Law*

The outlook for what the Tibetans call "genuine autonomy" under the current implementation of the REAL is poor. Communist Party control over China's legislative, governmental, policymaking, and implementation process, as well as contradictory provisions in Chinese laws and regulations, undercut the practice of regional ethnic autonomy in China. As a result, the functional level of autonomy that Chinese laws and regulations provide to local Tibetan autonomous governments to "administer their internal affairs,"<sup>63</sup> to protect their culture, language, and religion, and to manage policy implementation on issues such as economic development and the environment, is negligible.

Recent laws, regulations, and local implementing measures consistently prioritize the central government's interests above protecting the right of ethnic autonomous governments to exercise self-government.<sup>64</sup> The same legal issues that minimize the level of

local autonomy for Tibetans serve to diminish the prospects for substantive progress in dialogue between Chinese officials and the Dalai Lama and his envoys. The following examples of how China's application of law adversely affects Tibetan autonomy are indicative, not comprehensive. [See Section II—Ethnic Minority Rights for more information on the REAL.]

*The REAL Provides Subordination, Not Self-government*

Article 7 of the REAL counteracts the Preamble's guarantee that ethnic autonomous governments have the right to "administer their own affairs" by directing that, "Institutions of self-government in ethnic autonomous areas shall place the interests of the state as a whole above all else and actively fulfill all tasks assigned by state institutions at higher levels."

*The REAL Provides a Basis To Divide Tibetan Areas, Not To Unify Them*

Tibetan leaders, including Lodi Gyari and Samdhong Rinpoche, have described their vision in the past year that China's Constitution and law, including the REAL, can support the unification of Tibetan autonomous areas.<sup>65</sup> The Constitution and REAL do not state explicitly whether or not contiguous areas where the same ethnic group lives are entitled to be included in the same ethnic autonomous area. In fact, Article 12 of the REAL provides the Chinese government a basis in law for division by allowing the establishment of ethnic autonomous areas to take into consideration factors such as "historical background" and "the relationship among the various nationalities."<sup>66</sup> Because the National People's Congress (NPC) and State Council have the constitutional authority to approve the establishment of autonomous regions, prefectures, and counties, and to alter their geographic divisions,<sup>67</sup> it is Beijing's view of history and ethnic relations that guides decisions to apply the REAL in a manner that unites—or divides—ethnic groups.

*Conflict of Law Limits Rights Provided by the Constitution and REAL*

The Constitution and REAL state that ethnic autonomous congresses have the power to enact autonomy or self-governing regulations "in the light of the political, economic, and cultural characteristics" of the relevant ethnic group(s).<sup>68</sup> But the Legislation Law reserves to the State Council the power to issue regulations when the NPC specifically authorizes the State Council to do so, thereby intruding upon the right of ethnic autonomous congresses to issue regulations.<sup>69</sup> These provisions in the Legislation Law explicitly create a conflict of law with respect to rights provided by the Constitution and the REAL. The Legislation Law authorizes an autonomous people's congress to enact an "autonomous decree or a special decree" that must be approved by the standing committee of the next higher level people's congress.<sup>70</sup>

*The Legislation Law Bars Autonomous Governments From Altering Laws and Regulations That Concern Autonomy*

The REAL includes a provision allowing an ethnic autonomous government to apply to a higher-level state agency to alter or cancel

the implementation of a “resolution, decision, order, or instruction” if it does not “suit the actual conditions in an ethnic autonomous area.”<sup>71</sup> The Legislation Law, however, bars ethnic autonomous governments from enacting any variance to any law or regulation that is “dedicated to matters concerning ethnic autonomous areas.”<sup>72</sup>

*Special Administrative Regions Offer More Flexibility*

The Chinese Constitution provides a method to create a political and administrative solution to challenges that the principal body of Chinese law cannot resolve. Article 31 empowers the state to establish a “special administrative region” (SAR) that can satisfy a particular need “when necessary,” and authorizes the NPC to enact a law that institutes a “system” (of governance and administration) “in the light of the specific conditions.”<sup>73</sup> Hong Kong and Macao are the only SARs created by the NPC to date. Chinese officials reject the notion that a Tibetan solution could be developed by establishing a special administrative region,<sup>74</sup> but their arguments use as proof the dissimilarity of the pre-reunification political and economic systems of Hong Kong and Macao (not reunited with China, democratic government, capitalist economy) compared with the current political and economic system in the Tibetan autonomous areas of China (Chinese administration, non-democratic government, socialist economy). The language in Article 31, however, states no prerequisites of any kind and allows the state to create the solution that it needs.

RELIGIOUS FREEDOM FOR TIBETAN BUDDHISTS

*Commission Recommendations and China’s Record*

Commission Annual Reports from 2002 to 2006 included recommendations calling for the Chinese leadership to “promote the concept of religious tolerance,”<sup>75</sup> to “meet with religious figures from around the world to discuss the positive impact on national development of free religious belief and religious tolerance,”<sup>76</sup> and to take measures to develop the freedom of religion in China including respecting “the right of Tibetan Buddhists to freely express their religious devotion to the Dalai Lama.”<sup>77</sup>

The Commission cannot report improvement in the overall level of freedom of religion for Tibetan Buddhists at any time during the past five years, and in the past year the environment for Tibetan Buddhism has become significantly more repressive. The Party led an intensified anti-Dalai Lama campaign<sup>78</sup> and an expanding program of patriotic education,<sup>79</sup> and two sets of new legal measures imposing stricter and more detailed controls on Tibetan Buddhist institutions and religious activity took effect.<sup>80</sup> In the Tibet Autonomous Region (TAR), the government began on January 1, 2007, to implement new legal measures issued in September 2006 that regulate fundamental aspects of Tibetan Buddhism in a stricter and more detailed manner than previous measures.<sup>81</sup> The State Administration for Religious Affairs (SARA) issued legal measures in July 2007 that empower the government and Party to gradually reshape Tibetan Buddhism by controlling the religion’s most important and

unusual feature—lineages of reincarnated Buddhist teachers that Tibetan Buddhists believe can span centuries.<sup>82</sup>

Although the Party tolerates religious activity only within the strict limits imposed by China's constitutional, legal, and policy framework, and the government further restricts those limits at will, Chinese authorities tolerate selected Tibetan Buddhist practices and expressions of religious belief,<sup>83</sup> and the intensity of religious repression against Tibetans varies across regions.<sup>84</sup>

[See Section II—Freedom of Religion for more information on Party and government control of religion.]

*TAR Party Chief Intensifies Anti-Dalai Lama Campaign, Patriotic Education*

Tibetan Buddhism is at the core of Tibetan culture and self-identity, and for most Tibetans the Dalai Lama is at the core of Tibetan Buddhism. Seeking to strengthen control over Tibetan Buddhism and to end the Dalai Lama's influence over Tibetans, the Communist Party intensified a long-running campaign during the past year to discredit the Dalai Lama as a religious leader, to portray him and those who support him as threats to China's state security, and to prevent Tibetans from expressing their religious devotion to him.

TAR Party Secretary Zhang Qingli took on the role of a high-profile representative of the anti-Dalai Lama campaign in late 2005, when the Party's Central Committee transferred him to the TAR from the Xinjiang Uighur Autonomous Region.<sup>85</sup> In an August 2006 interview with a Western magazine, Zhang attacked the Dalai Lama's Buddhist credentials, accusing him of being a "false religious leader" who has led Tibetans astray and done "many bad things . . . that contradict the role of a religious leader" since he fled into exile in 1959.<sup>86</sup> Zhang urged the Party to "clearly distinguish between proper religious activities and the use of religion to engage in separatist activities," an expression that can refer to peaceful expressions of religious devotion to the Dalai Lama. Zhang described the Party's conflict with the Dalai Lama and the "Western hostile forces"<sup>87</sup> that support him as "long term, sharp, and complex," and "even quite intense at times."<sup>88</sup>

Zhang rallied hundreds of Party members at a May 2007 meeting in Lhasa, the capital of the TAR, telling them, "From beginning to end . . . we must deepen patriotic education at temples, comprehensively expose and denounce the Dalai Lama clique's political reactionary nature and religious hypocrisy."<sup>89</sup> Patriotic education ("love the country, love religion")<sup>90</sup> is an open-ended campaign to bring to an end the Dalai Lama's religious authority among Tibetans, and that requires Tibetan Buddhists to accept patriotism toward China as a part of Tibetan Buddhism. Patriotic education sessions require monks and nuns to pass examinations on political texts, agree that Tibet is historically a part of China, accept the legitimacy of the Panchen Lama installed by the Chinese government, and denounce the Dalai Lama."<sup>91</sup> Monitoring organizations confirmed in 2007 that officials are increasing patriotic education activity in monasteries and nunneries.<sup>92</sup> In one case, the abbot of a monastery in Qinghai province was forced to step down in May after he refused to sign a denunciation of the Dalai Lama.<sup>93</sup>

In May 2006, Zhang called on TAR Party and government officials to intensify restructuring and “rectification” of Democratic Management Committees (DMCs),<sup>94</sup> and to “[e]nsure that leadership powers at monasteries are in the hands of religious personages who love the country and love religion.”<sup>95</sup> DMCs,<sup>96</sup> located within each monastery and nunnery, are the Party’s direct interface with monks and nuns, and are charged by the Party and government to implement policies on religion and ensure that monks and nuns obey government regulations on religious practice.

An official poster reportedly displayed in a Tibetan Buddhist monastery in Sichuan province listed the DMC’s main functions, including to “[u]phold the leadership of the Chinese Communist Party, love the county and love religion, and progress in unity” and to ensure that “[n]o activities may be carried out under the direction of forces outside the country.”<sup>97</sup> The same document instructs the DMC on its “professional responsibilities,” such as, “To collectively educate the monastery’s monks and religious believers to abide by the country’s Constitution, laws, and all policies, to ensure the normal progression of religious activities, to protect the monastery’s legal rights and interests, to resolutely oppose splittist activities, and to protect the unification of the motherland.”<sup>98</sup> The poster specified the subordinate relationship of the monastery to external, non-religious agencies: “The monastery should accept the administrative management of local village-level organizations, and accept the leadership of the Buddhist association.” A 1991 set of TAR measures regulating religious affairs described a Buddhist association as “a bridge for the Party and government to unite and educate personages from religious circles and the believing masses.”<sup>99</sup>

#### *TAR Measures Extend Party Control Over Tibetan Buddhism*

In January 2007, Zhang Qingli wrote in an issue of Seeking Truth that the TAR government must implement the national-level Regulation on Religious Affairs (RRA)<sup>100</sup> in a manner that will “ensure that the Constitution and laws enter the temple doors, the management system, and the minds of monks and nuns.”<sup>101</sup> There are more than 1,700 monasteries and nunneries in the TAR, and approximately 46,000 monks and nuns, according to official state-run media reports.<sup>102</sup> As Zhang called on the Party to achieve comprehensive implementation of its policy on “freedom of religious belief,” which he said aims to “actively guide religion to adapt to socialist society,”<sup>103</sup> the TAR Implementing Measures for the Regulation on Religious Affairs (TAR 2006 Measures) were coming into effect.<sup>104</sup>

The TAR 2006 Measures state a general formula for the relationship between the state and religion: “All levels of the people’s government shall actively guide religious organizations, venues for religious activities, and religious personnel in a love of the country and of religion, in protecting the country and benefiting the people, in uniting and moving forward, and in guiding the mutual adaptation of religion and socialism.” The national-level RRA, effective in March 2005, does not contain such language.<sup>105</sup>

The TAR 2006 Measures impose stricter and more detailed controls on TAR religious activity,<sup>106</sup> which is mainly Tibetan Bud-

dhist,<sup>107</sup> than the RRA or the 1991 TAR Temporary Measures on the Management of Religious Affairs<sup>108</sup> (TAR 1991 Measures) that the TAR 2006 Measures replaced. The most forward-looking area of state intrusion into Tibetan Buddhist freedom of religion, and the most consequential to the future of the religion, is in the process of identifying, seating, and providing religious training to reincarnated Tibetan Buddhist lamas. The TAR 2006 measures provide five articles on the matter,<sup>109</sup> compared to one each in the RRA<sup>110</sup> and the TAR 1991 Measures.<sup>111</sup> The RRA article includes language that seeks to compel Tibetan compliance with a 17th century Qing dynasty edict directing Tibetan religious leaders to identify reincarnations by drawing a name from an urn in the presence of an imperial Chinese official.<sup>112</sup> The TAR 1991 Measures ban the involvement in the identification process of “foreign forces,” a reference to the traditional role of the Dalai Lama and other high-ranking Tibetan lamas now living in exile. [See the following subsection for information on national measures regulating Tibetan reincarnation issued in July 2007 and effective in September.]

The TAR 2006 Measures establish additional Party and government controls,<sup>113</sup> beyond those contained in the RRA or the TAR 1991 Measures, over the identification and education of reincarnated Tibetan Buddhist lamas in the TAR.

- No organization or individual in the TAR may attempt to identify a reincarnated lama without approval from the TAR government.<sup>114</sup>
- No one from the TAR may travel to another province to attempt to identify a reincarnated lama (or vice versa) until the TAR Buddhist association (“religious organization”) consults with the provincial-level Buddhist association in the other province (or vice versa), and the TAR Buddhist association reports the matter to the TAR government.<sup>115</sup>
- DMCs must plan and implement milestones in the institutional advancement of reincarnated lamas, such as the formal seating of a reincarnated lama at a monastery, formally ordaining a reincarnated lama as a monk, and promoting a reincarnated lama to advanced levels of Buddhist study. Local government must supervise such events.<sup>116</sup>
- DMCs must draft, and reincarnated lamas must submit to, “practical measures for strengthening the development, education, and management” of reincarnated lamas.<sup>117</sup>
- DMCs must report to the local government the names of a reincarnated lama’s religious and cultural teacher(s) after the DMC has proposed candidates to the local Buddhist association and the association consents.<sup>118</sup>

The TAR 2006 Measures impose new requirements<sup>119</sup> that eliminate freedom of movement for monks and nuns in the TAR if they travel for the purpose of teaching, studying, or practicing religion.<sup>120</sup> Monks and nuns living in TAR monasteries and nunneries may not travel anywhere in the TAR for the purpose of practicing religion<sup>121</sup> without carrying with them their “religious personnel identification [card]” and an unspecified form of “proof” provided by the county-level government where they live, and reporting “for the record” to the county-level government where they wish to practice religion.<sup>122</sup> Monks and nuns in the TAR may not travel to another

TAR prefecture to study religion without first obtaining approval from the local government in the destination prefecture, and reporting the approval to the local government in the prefecture of origin.<sup>123</sup> The TAR 1991 Measures, in comparison, stated no requirements of monks and nuns who traveled between monasteries and nunneries in the TAR in order to practice or study religion. The TAR 1991 Measures contained one article addressing travel that required monks and nuns traveling from the TAR to another province for advanced Buddhist study or teaching Buddhism (or vice versa) to first obtain consent from the governments of the TAR and the other province.<sup>124</sup>

Buddhist associations, monasteries, nunneries, monks, and nuns that violate provisions of the TAR 2006 Measures can face criminal or civil penalties under Chinese law, or expulsion from a monastery or nunnery.<sup>125</sup> Authorities can, for example, initiate punishments for “illegal activities such as those that harm national security or public security,” a catch-all phrase that can include expressions of religious devotion to the Dalai Lama, or for sharing, viewing, and listening to any type of recorded media about him. The TAR 2006 Measures introduce an explicit ban on disseminating and viewing “books, pictures, and materials that disrupt ethnic unity or endanger national security,” and a ban on requests by “religious followers” for monks and nuns “to recite from banned religious texts.”<sup>126</sup> Another punitive measure with potentially broad impact empowers local governments to order a “religious organization” to “disqualify” as a registered religious professional a monk or nun who, in “serious circumstances,” does not fulfill regulatory requirements on travel.<sup>127</sup>

A local government’s use of regulations on religious affairs to enforce the demolition in May 2007 of a large, nearly completed statue of a ninth century Buddhist teacher, Padmasambhava (Guru Rinpoche),<sup>128</sup> at the oldest Tibetan monastery, Samye,<sup>129</sup> shows how the law can control religious practice, rather than protect religious freedom. Photographs available in one report appear to show that the 30-foot tall statue was constructed within the monastery’s grounds.<sup>130</sup> People’s Armed Police (PAP) arrived at Samye, located in Shannan (Lhoka) prefecture in the TAR, and demolished the statue during the Buddhist holy month of Saga Dawa, according to an unofficial report.<sup>131</sup> Private donors from Guangzhou city in Guangdong province paid 800,000 yuan to have the statue constructed.<sup>132</sup>

The RRA and TAR 2006 Measures introduce provisions prohibiting any group or individual not part of a state-authorized religious organization or venue for religious activity from building such a statue.<sup>133</sup> Both sets of provisions mandate the demolition of a religious statue that is erected without official approval, but the TAR 2006 Measures only address the matter if the statue is built outside monastery grounds.<sup>134</sup> Because the statue was built on Samye’s grounds by individuals who were not authorized members of an officially recognized religious institution, the local government could have invoked RRA provisions as a legal pretext to destroy the statue. In fact, an official Chinese media report provided a rough translation of a Samye DMC notice confirming the role of the RRA as well as the Law on Protection of Cultural Relics.<sup>135</sup>

The State Administration for Religious Affairs, the Ministry of Construction, and the China National Tourism Administration jointly issued a “Notice of Illegally Building [an] Open[-air] Statue of Buddha,” according to the DMC notice.<sup>136</sup> Lodi Gyari, the Dalai Lama’s Special Envoy, decried the statue’s destruction, saying, “This divisive and sacrilegious act by an atheist state has caused deep anguish among Tibetans in the region.”<sup>137</sup>

The total number of monasteries, nunneries, monks, and nuns that the TAR government tolerates could come under increased pressure, based on Zhang Qingli’s statements in Seeking Truth. He described a “bottom line” for the number of locations for “religious activity” (monasteries and nunneries) and of “full time religious persons” (monks and nuns), and warned that, “[H]aving satisfied the needs of the believer masses, there can be no indiscriminate building and recruiting.”<sup>138</sup> Zhang’s comment could presage government action to assert more aggressively its role in limiting the size of the Tibetan Buddhist monastic establishment—which the TAR Party newspaper said in 1996 exceeded the number that the Party planned in 1986, and created a negative impact on Tibetan social and economic development.<sup>139</sup>

#### *National Government Measures Take Control of Tibetan Buddhist Reincarnation*

The State Administration for Religious Affairs (SARA) issued a set of national measures in July 2007 (effective on September 1) that, if fully implemented, will establish government control over the process of identifying and training reincarnated Tibetan Buddhist teachers throughout China.<sup>140</sup> Unlike the TAR 2006 Measures, the “Measures on the Management of the Reincarnation of Living Buddhas in Tibetan Buddhism”<sup>141</sup> (MMR) apply to the significant concentrations of Tibetan Buddhists in Qinghai, Gansu, Sichuan, and Yunnan provinces, as well as to the TAR. The total number of Tibetan Buddhist monasteries and nunneries in the TAR and the four provinces probably exceeds 3,300, based on official information, and the total number of monks and nuns may exceed 115,000 by several thousand.<sup>142</sup> Each monastery hopes to have a reincarnated teacher in residence, although some monasteries have none and other monasteries have more than one. Based on official but incomplete information, the Commission estimates that the total number of reincarnated teachers in the Tibetan areas of China probably exceeds 1,000, and could reach or surpass 2,000.<sup>143</sup>

The MMR will “institutionalize management on reincarnation of living Buddhas,” according to a SARA statement,<sup>144</sup> and strengthen the subordination of traditional Tibetan Buddhist practices to Party policy: “The selection of reincarnates must preserve national unity and solidarity of all ethnic groups and the selection process cannot be influenced by any group or individual from outside the country.” The MMR could result in greater isolation between Tibetan Buddhist communities living in China and important Tibetan Buddhist teachers living in exile, especially the Dalai Lama, by using each instance of recognizing a reincarnated Tibetan teacher as an opportunity for the government to reinforce the barrier be-



tween Tibetan Buddhism in China and Tibetan Buddhists living in other countries.

As elderly Tibetan Buddhist reincarnated teachers pass away, government enforcement of the MMR may prevent Tibetans from searching for and recognizing subsequent reincarnations, resulting in a decreasing number of reincarnated teachers. Article 3 requires that “[a] majority of local religious believers and the monastery [Democratic Management Committee] must request the reincarnation” before the search for a reincarnation may take place.<sup>145</sup> DMCs are less likely to pursue a request for a reincarnation if local officials oppose it, and local authorities are well-positioned to hinder or discourage a majority of “religious believers” from expressing their desire to maintain a reincarnation in a local monastery. Article 4 disallows the recognition and seating of reincarnations within urban districts established by higher-level governments if the urban district government issues a local decree banning further reincarnations.<sup>146</sup> The Chengguan district under Lhasa municipality is currently the only urban district within the Tibetan autonomous areas of China.<sup>147</sup> If the Chengguan district government issues such a decree, it could affect two of the largest and most influential Tibetan monasteries, Drepung and Sera,<sup>148</sup> and the two oldest Tibetan Buddhist temples, Jokhang and Ramoche.

The MMR establishes unprecedented government control<sup>149</sup> over the principal stages of identifying and educating reincarnated Tibetan teachers, including:

- Determining whether or not a reincarnated teacher who passes away may be reincarnated, and whether a monastery is entitled to seek to have a reincarnated teacher in residence.<sup>150</sup>
- Conducting a search for a reincarnation.<sup>151</sup>
- Recognizing a reincarnation and obtaining government approval of the recognition.<sup>152</sup>
- Seating (installing) a reincarnation in a monastery.<sup>153</sup>
- Providing education and religious training for a reincarnation.<sup>154</sup>

The measures provide for punishment of individuals or offices that are responsible for a failure to comply with the measures, or that conduct activities pertaining to reincarnation without government authorization.<sup>155</sup>

In August 2007, senior officials, including Liu Yandong, Head of the Communist Party United Front Work Department (UFWD), and Ye Xiaowen, Director of SARA, convened a national seminar in Beijing on “Tibetan Buddhism work,” and stressed that in the matter of seating Tibetan Buddhist reincarnated teachers, “our own come first,” according to a Singtao Daily report.<sup>156</sup> The phrase underscores Party resolve to ensure that successful candidates for positions as reincarnated teachers will from now on fulfill the Party’s political expectations, and that the Dalai Lama and other senior Tibetan Buddhist teachers living in exile will have no influence on the process.<sup>157</sup> Officials at the seminar emphasized that the MMR must be implemented fully throughout the Tibetan areas of China and in the Inner Mongolia Autonomous Region, where many Mongols believe in Tibetan Buddhism. At an August 17–18 UFWD work forum in Lhasa, Director of the TAR UFWD, Lobsang

Gyaltzen (Luosang Jiangcun), relayed the national guidelines to regional officials, and Zhang Yijiong, Deputy Secretary of the TAR Party Committee, called on attendees to “thoroughly implement the policy of the [Party] on religious work” and “energetically unite the religious and patriotic forces.”<sup>158</sup>

*Number of Imprisoned Monks and Nuns Declines as Repression of Religion Increases*

Tibetan Buddhist monks and nuns constituted 11 of the 13 known political detentions of Tibetans by Chinese authorities in 2006, compared to 21 of the 24 known such detentions in 2005, and 8 of the 15 such detentions in 2004,<sup>159</sup> based on data available in the Commission’s Political Prisoner Database (PPD)<sup>160</sup> as of September 2007. The increased proportion of monks and nuns that make up the total number of known political detentions evident in 2005 has not changed in 2006, and is likely to reflect monastic resentment against the intensified patriotic education campaign. The total number of known detentions of monks and nuns, however, has declined in comparison with 2005. The unusual shift of political detention of monks and nuns away from Sichuan province in 2005,<sup>161</sup> when none were reported, was short lived. Nine of the 13 known political detentions of Tibetan monks and nuns in 2006 took place in Sichuan province; the rest occurred in the TAR.

The extent to which the apparent decline in political detention of monks and nuns in 2006 reflects actual circumstances, or incomplete information, or both, is unknown. It is possible that the Party and government’s increased repression of Tibetan Buddhism since 2005 (especially of aspects of the religion that involve the Dalai Lama) has produced the result that the government desires: a more subdued monastic community. Fewer monks and nuns may be risking behavior that could result in punishments such as imprisonment or expulsion from a monastery or nunnery (a prospect that may increase under the TAR 2006 Measures). At the same time, it is likely that the actual number of detained monks and nuns is higher than PPD data indicates.<sup>162</sup> Reports of detention of unnamed persons,<sup>163</sup> or of persons who are reported as missing,<sup>164</sup> are not listed along with reports of detention that include detailed information. Irrespective of the actual number of recent detentions, the high proportion of monks and nuns among them, and recent statements by monks and nuns describing their frustration with government management of Tibetan Buddhism,<sup>165</sup> suggests that the level of monastic resentment against Chinese religious policies remains high. Repressive policies can result in a decline of behavior that triggers punishment, but a high level of frustration suggests that the potential for a resurgence of political protest exists.

Tibetan monks and nuns make up about 64 of the 100 known currently detained or imprisoned Tibetan political prisoners, according to PPD data current in September 2007. Twenty-eight of the monks and nuns were detained or imprisoned in the TAR, 24 in Sichuan province, 7 in Qinghai province, and 4 in Gansu province. Based on data available for 42 currently imprisoned Tibetan monks and nuns, their average sentence length is 10 years and 4 months.

*No Progress on Access to (or Freedom for) the Panchen Lama*

The Chinese government continues to refuse to allow access by an international organization, such as the International Red Cross, to Gedun Choekyi Nyima, the boy the Dalai Lama recognized as the Panchen Lama in May 1995.<sup>166</sup> Chinese officials continue to hold him in incommunicado custody along with his parents at an unknown location. Gedun Choekyi Nyima turned 18 years of age in April 2007, and in May he completed his 12th year in custody. Chinese officials claim that Gedun Choekyi Nyima is leading a “normal, happy life and receiving a good cultural education.”<sup>167</sup> After the Dalai Lama announced his recognition of Gedun Choekyi Nyima, Chinese officials took the then six-year-old boy and his parents into custody. The State Council declared the Dalai Lama’s announcement “illegal and invalid”<sup>168</sup> and installed Gyaltsen Norbu,<sup>169</sup> whose appointment continues to stir widespread resentment among Tibetans. Chinese authorities may punish or imprison Tibetans who possess photographs of Gedun Choekyi Nyima or information about him.

*Incidents of Repression of Freedom of Religion in Tibetan Secular Society*

Chinese government repression of freedom of religion is not limited to the Tibetan Buddhist monastic community, and adversely affects secular Tibetan society. Most Tibetans are not monks or nuns—they are farmers, herders, workers, traders, business operators, professionals, students, teachers, and government staff. In the TAR about 98 percent of Tibetans live in secular society.<sup>170</sup> Official repression of Tibetan Buddhist activity by secular Tibetans principally targets the Dalai Lama, Tibetan religious devotion to him, and aspects of Tibetan Buddhism closely linked to him, especially certain ceremonies and observances associated with the Gelug tradition of Tibetan Buddhism.<sup>171</sup> Tibetans who follow other traditions of Tibetan Buddhism, such as the Kargyu, Sakya, and Nyingma traditions, especially in Tibetan areas outside the TAR, may experience less interference from authorities.<sup>172</sup>

Chinese authorities routinely seek to prevent Tibetans from participating in religious observances that they suspect signify Tibetan devotion to the Dalai Lama. For example, the Lhasa Evening News published a Lhasa Party Committee notice on December 12, 2006, that forbids government employees, workers in government-run businesses, and school students to participate in a Tibetan Buddhist observance, Gaden Ngachoe, that would take place three days later.<sup>173</sup> The notice warned, “Everyone must conscientiously respect the government and Party committee’s demand.” Tibetans traditionally light butter lamps to mark the occasion.

The Lhasa Party Committee in May 2007 forbade Tibetan school children in some Lhasa neighborhoods from participating in Tibetan Buddhism’s most holy day, Saga Dawa,<sup>174</sup> or wearing “amulet threads” (blessing strings) received at Buddhist sites.<sup>175</sup> Beginning in the late 1980s, when Tibetans staged a series of public protests against Chinese policies, the Lhasa government has attempted to prevent Tibetans employed in the government sector and Tibetan students from participating in Saga Dawa.<sup>176</sup> The pro-

hibition continued in 2006, when the government threatened to fire government employees who defied the ban, according to a U.S. Department of State report.<sup>177</sup>

Tibetans living in the Lhasa area, as well as throughout the TAR and in Tibetan autonomous areas of Qinghai, Gansu, and Sichuan provinces, openly celebrated the Dalai Lama's July 6 birthday in 2007,<sup>178</sup> despite government characterization of such celebration as "illegal"<sup>179</sup> and effective enforcement of a ban in previous years.<sup>180</sup> Some Tibetans reportedly believed that the turnout in 2007 represented Tibetan celebration of the Dalai Lama's receipt of the Congressional Gold Medal, scheduled for October 2007.<sup>181</sup>

#### TIBETAN CULTURE UNDER CHINESE DEVELOPMENT POLICY AND PRACTICE

##### *Commission Reports and Recommendations: Tibetan Culture in a Developing West*

CECC Annual Reports issued since 2002 document that Chinese government development policy and implementation, especially of the Great Western Development (GWD) program,<sup>182</sup> increase pressure on the Tibetan language and culture, and erode the Tibetan people's ability to preserve their heritage and self-identity.

- The 2002 Annual Report observed that GWD "has the most profound implications for western China of any official policy formulation to emerge in the post-Deng era."<sup>183</sup> The report identified the Qinghai-Tibet railway, then in its second year of construction,<sup>184</sup> as the project causing the greatest alarm for Tibetans. An expert told the Commission, "The new railway to Tibet will only intensify existing migratory trends, exacerbate ethnic income disparities, and further marginalize Tibetans in traditional economic pursuits."<sup>185</sup>
- In 2003, the Annual Report stated, "The majority of Tibetans, who live in rural areas, benefit little from central government investment in the Tibetan economy. Most of this investment supports large-scale construction and government-run enterprises in which Han control is predominant."<sup>186</sup> Tibetans must have access to significantly improved educational resources if they are to adapt successfully to their new environment, and if their culture is to survive, then the Tibetan language must play an important role in their education, the report said.<sup>187</sup>
- In 2004, the Annual Report noted that "existing policy initiatives are gaining momentum, especially the Great Western Development program, formulated to accelerate economic development in China's western provinces and speed their integration into the political and social mainstream."<sup>188</sup> The report warned that government policies "promote strict adherence to a national identity defined in Beijing [and] discourage Tibetan aspirations to maintain their distinctive culture and religion."<sup>189</sup>
- The 2005 Annual Report showed that Chinese government statistics on educational achievement demonstrate that few Tibetans are prepared to compete for employment and business opportunities in the Han-dominated economic environment developing around them.<sup>190</sup> Urban Tibetans reached senior mid-

dle school at 19 times the rate of rural Tibetans, the report said, but rural Tibetans are the largest and least prepared category of Tibetans competing for opportunities created by government economic development programs.<sup>191</sup>

- The release of the 2006 Annual Report followed the start of operation of the Qinghai-Tibet railway. The report noted “increasing Tibetan concerns about the railway’s potential effects on the Tibetan culture and environment,”<sup>192</sup> and explained why Chinese law, government and Party policies, and official statements increase Tibetan concerns that programs such as GWD and projects such as the Qinghai-Tibet railway will lead to large increases in Han migration.<sup>193</sup>

The Commission responded to the concerns and needs of Tibetans in China by recommending increased funding for U.S. NGOs to develop programs that “improve the health, education, and economic conditions of ethnic Tibetans.” A Commission recommendation in 2003 stressed that such programs should “create direct, sustainable benefits for Tibetans without encouraging an influx of non-Tibetans into these areas.”<sup>194</sup>

*GWD Era Laws and Regulations Tend To Pressure, Not Protect,  
Tibetan Culture*

Changes in Chinese laws and regulations that address ethnic autonomy issues and that have been enacted during the period of GWD tend to decrease the protection of ethnic minority language and culture. The stated purpose of GWD is to “accelerate economic and social development of the western region and the minority nationality regions in particular.”<sup>195</sup> TAR Party Secretary Zhang Qingli asserted that as the result of such policies, “Tibet is in [the] best period of development and stability in its history.”<sup>196</sup> President and Party General Secretary Hu Jintao, who served as the TAR Party Secretary from 1988–1992,<sup>197</sup> affirmed support for GWD and the importance of “the issue of coordinated regional development” when he met TAR delegates to the NPC in March 2007.<sup>198</sup> Laws and regulations such as the following have resulted in a trend of increasing cultural, linguistic, and economic pressure on ethnic minorities.

The National People’s Congress (NPC) amended the 1984 Regional Ethnic Autonomy Law (REAL)<sup>199</sup> in 2001, bringing the law into conformity with more recent trends in Party policy. Amendments added extensive language guiding issues that include economic development, natural resource exploitation, infrastructure construction, financial and fiscal management, recruiting cadres, professionals, and workers from other parts of China to “Go West,” establishing cooperative development projects between other parts of China and the GWD area, and improving the education system for ethnic minorities.<sup>200</sup> [See Section II—Ethnic Minority Rights for more information on the REAL.]

The amended REAL increased state support for ethnic minority education but lessened the state’s commitment to the constitutionally protected task of preserving and using ethnic minority languages.<sup>201</sup> The 1984 REAL required the state to set up “institutes of nationalities and, . . . nationality oriented classes and pre-

paratory classes which only enroll students from minority nationalities.”<sup>202</sup> The amended REAL requires such institutes to “enroll only or mostly students from ethnic minorities,”<sup>203</sup> potentially reducing the level of use of ethnic languages within such institutes. Another result is that ethnic minorities must compete academically with Han who enroll in ethnic minority institutes, and compete with them for jobs after graduation.<sup>204</sup> The 1984 REAL authorized the state to introduce for ethnic minorities “[p]referred enrollment and preferred assignment of jobs,”<sup>205</sup> a form of assistance that can help Tibetans and other minorities to compete for employment in an emerging market economy that attracts an increasing number of Han who have better educations.<sup>206</sup> The amended REAL, however, removed the language that authorized the preferential treatment for ethnic minorities.<sup>207</sup>

The Provisions of the State Council for Implementing the REAL,<sup>208</sup> issued in May 2005, promote a key GWD strategy:<sup>209</sup> encouraging professionals, experts, and workers in China’s populous areas to “Go West” along with their families to “develop and pioneer in ethnic autonomous areas.”<sup>210</sup> The amended REAL itself provides the basis for establishing implementing provisions that provide incentives for population movement into autonomous areas where Tibetans and other ethnic groups live by authorizing local autonomous governments to provide “preferential treatment and encouragement” to “specialized personnel joining in the various kinds of construction in these areas.”<sup>211</sup> Minister Li Dezhu of the State Ethnic Affairs Commission (SEAC) warned in 2000 that implementation of the GWD and the resulting westward population flow could cause “possible trouble” in ethnic relations. He wrote in Seeking Truth that “some changes in the proportions of the nationalities” would take place and that “conflicts and clashes” could occur between ethnic groups.<sup>212</sup>

The State Council Legislative Affairs Office is reportedly preparing a draft law for submission to the NPC that “aims to create a favorable legal environment and support for a smooth implementation” of GWD, according to a March 2006 statement by Wang Jinxiang, the Vice Minister of the National Development and Reform Commission and the Deputy Director of the State Council Office of the Leading Group for Western Region Development.<sup>213</sup> Wang said that the Legislative Affairs Office was working on the 14th version of the draft and that he believed completion of the draft was “imminent.” No updated information is available about the progress of the bill.

Protection for the Tibetan language has also decreased under autonomy regulations enacted during the GWD period. In 2002, the TAR People’s Congress revised the 1987 TAR Regulations on the Study, Use, and Development of the Tibetan Language,<sup>214</sup> ending the precedence of the Tibetan language by authorizing the use of “either or both” of Mandarin and Tibetan languages in most areas of government work.<sup>215</sup> A 1998 government White Paper stated, “Guaranteeing the study and use of the Tibetan language is an important aspect of safeguarding the Tibetan people’s right to autonomy and exercising their right to participate in the administration of state and local affairs.”<sup>216</sup> The then-current regulation “clearly specifies that both Tibetan and Chinese should be used in the Tibet

Autonomous Region, with precedence given to the Tibetan language,” according to the White Paper.

*Qinghai-Tibet Railway Carries 1.5 Million Passengers Into the TAR in First Year*

The Qinghai-Tibet railway, officially designated a key GWD project,<sup>217</sup> “transported 1.5 million passengers into Tibet” during its first year of operation (ending on June 30, 2007), according to a July report.<sup>218</sup> The government issued no public reports of major incidents or accidents linked to the railway’s operation during the year. Advocacy organizations have expressed publicly<sup>219</sup> what Tibetans in China say privately, that the railway will facilitate a surge of non-Tibetans into Tibetan autonomous areas, altering the demographic and economic structure of the region, and further increasing pressure on Tibetan culture and on Tibetans as they compete for jobs and other economic benefits.<sup>220</sup> Jampa Phuntsog (Xiangba Pingcuo), Chairman of the TAR government, claimed in June 2007 that such a threat does not exist, and that Tibetans in the TAR would not face assimilation into Chinese culture (“Han culture”).<sup>221</sup>

State-run media reports about the Qinghai-Tibet railway generally apply the terms “passenger” and “tourist” interchangeably to persons traveling to the TAR, and provide little information about how many passengers arrive in the TAR for purposes other than tourism. For example, the July report of “1.5 million passengers” describes them as “nearly half of the total tourist arrivals in the region.”<sup>222</sup> At that rate of arrival, nearly 4,100 passengers arrived in the TAR each day. That figure accords closely with a May 2006 statement by the China Tibet Tourism Bureau (before railway operations began) that the railway would “transport an additional 4,000 tourists to Tibet each day.”<sup>223</sup> The July report’s portrayal of the 1.5 million passengers as “tourists” making up nearly half the total tourist arrivals is also consistent with information in other official reports: there were a total of 3.6 million tourist arrivals in 2006 and the first six months of 2007.<sup>224</sup>

The Commission is aware of one official Chinese media report that less than half of the Lhasa-bound Qinghai-Tibet railway passengers were tourists during the height of the tourist season after the railway began service. Midway into September 2006, the railway’s third month of operation, Jin Shixun, the Director of the TAR Committee of Development and Reform, provided information about the occupational categories of passengers—60 percent were business persons, students, transient workers, traders, and individuals visiting relatives; 40 percent were tourists.<sup>225</sup> Jin’s remark was based on 270,000 passengers over a period of approximately 75 days, or about 3,600 passengers per day. If a similar proportion prevailed throughout the remainder of the first year of operation, then approximately 900,000 of the 1.5 million passengers could have been non-tourists, and hundreds of thousands of them could have been non-Tibetan business persons, workers, and traders who intended to remain for a period in the TAR. An October 2005 report by China’s state-run media also acknowledged that the railway will “attract tourists, traders, and ethnic Chinese settlers” to the region.<sup>226</sup>

A Tibetan resident of Lhasa told a radio call-in show in July 2007 that “Tibetans in Lhasa have been overwhelmed by the frightful explosion of the Chinese population in the city.”<sup>227</sup> The caller said that “wherever you go, you get the impression of overcrowding.” Tibetans “[witness] Chinese tourists becoming permanent residents,” she said, and reported that “Chinese migrants were moving fast into formerly Tibetan neighborhoods and businesses.” Another Tibetan caller from Lhasa said “there is deep skepticism about the aim and whose purpose [the railway] is serving,” and asserted that “the Tibetans are certainly not the direct beneficiaries.” The first caller acknowledged that Tibetan traders are doing more business, but she said those benefits are “insignificant if you take the whole picture of Chinese benefits in terms of business and employment into account.”<sup>228</sup> An NGO reported in early August that Chinese fleeing flooded areas of the country were “pouring into Tibet” on the Qinghai-Tibet railway, and that thousands of unemployed migrants roamed Lhasa looking for work.<sup>229</sup> The “unprecedented movement of Chinese migrants to Lhasa,” which started in July, “has put pressure on the local Tibetans and their day-to-day livelihood,” according to the report.

Inadequate information provided by the Chinese government about passengers traveling on the Qinghai-Tibet railway hampers objective assessment of the railway’s alleged role in accelerating the influx of non-Tibetan residents into the region. Existing examples of the establishment of rail links to remote regions in China indicate that significant changes to the proportions of ethnic groups occur over time. Rail links were built into what is now the Inner Mongolia Autonomous Region (IMAR) before the PRC was established;<sup>230</sup> a railway reached Urumqi, the capital of the Xinjiang Uighur Autonomous Region (XUAR), in 1962; the railway arrived in Kashgar, in the western XUAR, in 1999.<sup>231</sup> Based on official 2000 census data, the ratio of Han to Mongol in the IMAR is 4.6 Han to 1 Mongol. In the XUAR the ratio of Han to Uighur is 0.9 Han to 1 Uighur. The ratio of Han to Tibetans in the TAR stood at 0.07 Han to 1 Tibetan in 2000, according to census data.<sup>232</sup> Tibetans are concerned that the Qinghai-Tibet railway will facilitate changes in Tibetan areas of China similar to those in the IMAR and XUAR.

*Rebuilding the Tibetan Countryside: Allegations of Forced Settlement, Re-housing*

Another Party-led program linked to GWD and the anti-Dalai Lama campaign aims to end a way of life that is iconic among Tibetans and that has survived for centuries: nomadic herding.<sup>233</sup> A government program gathered momentum last year that aims to build a “beautiful, new socialist countryside”<sup>234</sup> and requires nomads to give up their traditional lifestyle and grazing lands to live in fixed settlements, or find other work. Similar programs affecting herders in Qinghai, Gansu, Sichuan, and Yunnan provinces are underway.<sup>235</sup> A TAR government program underway is moving Tibetan farmers into new housing in reorganized communities. TAR Party Secretary Zhang Qingli said that such steps would result in a “harmonious society.”<sup>236</sup> Party General Secretary Hu Jintao<sup>237</sup> advised TAR delegates, including Zhang, attending the NPC in



March 2007 that “maintaining social harmony and stability is the premise” for economic and social development in the TAR.<sup>238</sup>

Zhang Qingli said in the January 2007 issue of *Seeking Truth* that the Party’s determination to restructure Tibetan farming and grazing communities is not only to promote economic development, but also to counteract the Dalai Lama’s influence.<sup>239</sup> Zhang said that to do so is essential for “continuing to carry out major development of west China” (e.g., GWD), and pointed out that 80 percent of the TAR population are farmers and herders. “[Farmers and herders] living and working in peace and contentment” is the fundamental condition for us in holding the initiative in the struggle against the Dalai clique,” Zhang said.<sup>240</sup> He listed Party objectives including to construct permanent housing for nomadic herders, improve farmers’ housing, relocate farmers’ housing to achieve poverty relief, and ensure that 80 percent of TAR farmers and herders are in “safe and suitable” housing within five years. Zhang called on the Party to support measures to “actively organize” Tibetan farmers and herders to move to towns or urban areas to find employment, set up businesses, or seek training in other skills.<sup>241</sup>

The Chinese government has implemented policies since 2000 (the year that GWD was implemented) to confiscate herders’ land, erect fencing, and resettle herders, and has intensified the policies in some areas since 2003. Human Rights Watch (HRW) reported in June 2007.<sup>242</sup> Guolou (Golog) and Yushu Tibetan Autonomous Prefectures (TAPs) in Qinghai province are the areas most severely affected by implementation.<sup>243</sup> The report acknowledges that China faces environmental crises, and that Chinese officials have explained that removing herds from traditional pastures will benefit the environment,<sup>244</sup> but the report asserts that “there are grounds for disputing both who is responsible for those crises and the consequent actions taken by the government in the name of protection in Tibetan areas.”<sup>245</sup>

The resettlement program has subjected herders to compulsory or forced resettlement, compulsory livestock reduction, bans on grazing, compulsory change of land use, and evictions to make way for public works schemes, the HRW report asserts.<sup>246</sup> Chinese authorities failed to consult adequately with the affected herders, provide them with adequate compensation, or allow them adequate options for complaint, thereby failing to fulfill requirements under the Chinese Constitution, according to the report.<sup>247</sup> “Claims of nonpayment are endemic, and there are also allegations of corruption and discrimination in the compensation process,” according to HRW.<sup>248</sup>

The number of Tibetans affected by forced resettlement is unknown but it “clearly runs into the tens, if not hundreds, of thousands,” according to the HRW report.<sup>249</sup> The Commission’s 2006 Annual Report reported that TAR authorities relocated 48,000 herders and settled them in fixed communities in the period 2001–2004,<sup>250</sup> that a government program in Qinghai province to settle herders (including Tibetans) placed about 10,000 families in fixed communities by 2005,<sup>251</sup> and that a Gansu province program started in the late 1990s to settle herders in Tibetan autonomous areas settled 7,000 families by 2004 and is expected to be complete in 2009.<sup>252</sup>

TAR government Chairman Jampa Phuntsog stated in June 2007 that “no forced resettlement has been done” in the TAR, and he provided details about some cases of relocation.<sup>253</sup> He acknowledged that the TAR government had “displaced some 7,000 people who lived at the source of the Yangtze River” in Changdu (Chamdo) prefecture and resettled them in Linzhi (Kongpo) prefecture. He claimed that the government had “respected the will of the people” in doing so. In addition, the TAR was seeking to move dozens of herding families out of the Hol Xil Natural Reserve, but not all of them had agreed to leave. “We are still trying to persuade them to move, and they will only be relocated when they agree to,” Jampa Phuntsog said.<sup>254</sup>

The TAR government launched a program in 2006, concurrent with the region’s 11th Five-Year Plan, to move Tibetan farmers and herders into new housing.<sup>255</sup> In the first year of operation, the program moved 56,000 households with 290,000 members into new houses.<sup>256</sup> Zhang Qingli personally led the effort, according to state-run media, and when the program concludes in 2010, it will have moved 220,000 families into new homes.<sup>257</sup> Based on an average household size of 5.2 persons (suggested by the preceding data), the total number of Tibetans moved into new housing by 2010 could be approximately 1.14 million—more than half of the total number of Tibetan rural residents in the TAR at the time of the 2000 census.<sup>258</sup>

Reports by advocacy groups and official Chinese media organizations on whether or not Tibetan participation in the housing program is voluntary, and the consequences of the financial burden on Tibetan farmers and herders, differ sharply. Zhang Qingli said in March 2007 that county- and prefecture-level governments offer each household a subsidy to defray 10,000–25,000 yuan (US\$1,300–US\$3,300) of the estimated 60,000 yuan (US\$8,000) cost of a house, with Tibetan householders paying the rest.<sup>259</sup> Construction is on a “strictly volunteer basis,” Zhang claimed.<sup>260</sup> HRW reported in December 2006 that the program requires villagers, “particularly those who live next to main roads,” to rebuild their homes “in accordance with strict official specifications within two to three years.”<sup>261</sup> The government does not subsidize the cost of the house, according to HRW, but lends Tibetans between 20 and 25 percent of the cost to householders.<sup>262</sup>

Tibetan farmers and nomads, whose 2,435 yuan average per capita income in 2006 places them among China’s poorest citizens,<sup>263</sup> generally do not have savings or other capital resources equal to several years of income, so they face difficulty in paying for the government-mandated housing. “Nearly all must therefore supplement these funds with considerable bank loans,” HRW said. Even relatively wealthy households have been “forced into debt,” and borrowers who default on loans forfeit the right to occupy the house, according to the report.<sup>264</sup> None of the Tibetans interviewed by HRW reported that they had a right to challenge the program or refuse to participate in it. Some Tibetans described incidents in which local authorities demolished Tibetan homes after residents refused to participate in the program, or who said that they could not participate because they could not borrow enough money to pay for a new home. According to a June 2007 foreign media report, the

relocated villages are “cookie-cutter” in style, and even though farmers did not appear to be happy, they were “reluctant to complain.”<sup>265</sup>

Local government officials in a village in Dingri county, located in Rikaze (Shigatse) prefecture in the TAR, threatened to punish households that failed to build a new home, according to a May 2007 Tibetan Centre for Human Rights and Democracy (TCHRD) report.<sup>266</sup> Officials told the villagers that they should improve their village before the 2008 Olympics so that it will be more attractive to tourists. The government offered to contribute 10,000 yuan toward houses that must cost a minimum of 20,000 yuan, but villagers in the area are so poor that only 4 of the 34 households built houses.<sup>267</sup> Three of the four households had to secure a bank loan in order to match the government’s 10,000 yuan contribution. “The new houses do not reflect the better living standards of Tibetan people, they are not happy in the new houses built upon debts, [and] they are more worried than ever about how to repay the loans to banks,” TCHRD’s source said.<sup>268</sup>

#### PUNISHING PEACEFUL TIBETAN EXPRESSION UNDER CHINA’S CONSTITUTION AND LAW

##### *Commission Reports, China’s Record on Tibetan Rights*

Commission Annual Reports issued since 2002 document that the Chinese government applies the Constitution and law in a manner that restricts and represses the exercise of human rights by Tibetans, and that uses the law to punish peaceful expression and action by Tibetans as threats to state security. The Chinese government, and governments in the TAR and other provinces where Tibetans live, made no progress in the past year toward improving the right of Tibetans in China to exercise their constitutionally guaranteed freedoms of religion, expression, and assembly. Such restrictions are inconsistent with the Chinese government’s obligations under international human rights standards.<sup>269</sup> Instead, Communist Party political campaigns promote atheism and strengthen government efforts to discourage Tibetan aspirations to foster their unique culture and heritage. [See Section II—Freedom of Religion.]

- The 2002 Annual Report observed that the Chinese government seeks to maintain unity and stability<sup>270</sup> by “constraining Tibetan political, cultural, educational, and religious life,” and that human rights and the rule of law in Tibetan areas of China are configured to serve government and Party interests.<sup>271</sup>
- In 2003, the Annual Report noted that friction remains between Tibetan aspirations to maintain their distinctive culture and religion and Chinese policies favoring atheism and emphasizing the primacy of national identity. China represses peaceful expression that it considers “splittist,” or that it deems to be “detrimental to the security, honor, and interests of the motherland.”<sup>272</sup>
- The 2004 Annual Report observed that China represses or punishes peaceful expression by Tibetans that authorities deem to “endanger state security” even if the expression is non-violent and poses no threat to the state. An official in Bei-

jing told Commission staff in September 2003, “There is not a distinct line between violent and non-violent. . . . A non-violent action can result in eventual violence.”

- The 2005 Annual Report noted the downward trend in the number of known Tibetan political prisoners, and suggested, “Tibetans are avoiding the risks of direct criticism or protest against Chinese policies and are turning to education, arts, and religion for ways to express and protect their culture and heritage.” But as incidents of protest declined, Chinese authorities watched for other signs of Tibetan resentment or nationalism.

- In 2006, the Annual Report provided additional information on how Tibetans appear to be avoiding the risks of direct protest against government policies and turning to other methods of cultural expression. After the Dalai Lama told Tibetans in India, “Neither use, sell, or buy wild animals, their products or derivatives,” Tibetans in China staged public events in which they burned rare furs stripped from traditional Tibetan garments.<sup>273</sup>

*Political Imprisonment of Tibetans: Peaceful Expression and Non-Violent Action as Threats to State Security*

Chinese authorities continue to detain and imprison Tibetans for peaceful expression and non-violent action, charging them with crimes such as “splittism,”<sup>274</sup> and claiming that their behavior “endangers state security.”<sup>275</sup> [See Section II—Rights of Criminal Suspect and Defendants—Law in Action: Abuses of Criminal Law and Procedure.] Expression or action that is linked to the Dalai Lama is especially likely to result in such charges. Chinese officials have punished Tibetans, such as Jigme Gyatso, a former monk imprisoned in 1996 who is serving an 18-year sentence<sup>276</sup> for printing leaflets, distributing posters, and later shouting pro-Dalai Lama slogans in prison, and Choeying Khedrub, a monk serving a life sentence since 2000 for printing leaflets, for peaceful expressions and non-violent actions that officials believe could undermine Party rule. Two Tibetans sentenced along with Choeying Khedrub, monk Yeshe Tenzin and builder Tsering Lhagon, are serving sentences of 10 and 15 years respectively on the same charges.

Possessing photographs or copies of religious teachings of the Dalai Lama can result in imprisonment for endangering state security (by “inciting splittism”) for up to five years, especially if a Tibetan carries such material across the international border into the TAR, an official of the Rikaze (Shigatse) Prefecture Intermediate People’s Court, located in the TAR, confirmed in 2005.<sup>277</sup> “Any document that relates to Tibetan independence, Dalai Lama photos, or any other documents or literature containing reactionary themes or subjects are punishable,” he said. In February 2007, the Rikaze court sentenced a Tibetan man, Penpa, to three years’ imprisonment after police searched his home and confiscated audio recordings of the Dalai Lama conducting a Buddhist teaching in India.<sup>278</sup> Local authorities became suspicious of Penpa when they learned that he was saving sheep from the slaughterhouse as a religious offering dedicated to the Dalai Lama’s long life.<sup>279</sup>

Public security officials detained a total of nine Tibetans in Ganzi (Kardze) Tibetan Autonomous Prefecture (TAP), Sichuan province, none of whom authorities accused of violent activity, between March and August 2006, according to reports issued between June and September.<sup>280</sup> Officials detained six of the Tibetans for alleged roles in printing and distributing pro-independence leaflets in late May: Kayo Doga (a layman in his late-50s, previously sentenced to three years of reeducation through labor in 2002 for his role in arranging a prayer ceremony for the Dalai Lama's long life); Yiga (Kayo Doga's daughter, a former nun); nuns Sonam Lhamo, Sonam Choezom (or Sonam Choetso), and Jampa Yangzom (or Jampa Yangtso); and Yiga, a female middle-school student. According to an unofficial source, a Ganzi county court issued a notice that all six detainees, including the minor, Yiwang, would face trial and that formal arrest had taken place.<sup>281</sup>

In separate incidents reported by unofficial sources involving the seventh and eighth Ganzi detentions, officials detained monk Namkha Gyaltsen of Gepheling Monastery in March 2006 for allegedly painting pro-independence slogans on government buildings (or putting up pro-independence posters), and monk Lobsang Palden, also of Gepheling, on August 15 after authorities searched his room and found "incriminating documents" including photos of the Dalai Lama.<sup>282</sup> Namkha Gyaltsen allegedly confessed and may face a sentence of seven to eight years, and officials formally arrested Lobsang Palden on September 6 on charges of inciting splittism. In the ninth reported Ganzi detention, public security officials searched the living quarters of Jinpa, the abbot of Taglung Monastery, located in Seda (Serthar) county in Ganzi TAP, in August 2006, according to an unofficial report.<sup>283</sup> The officials reportedly found nothing that they considered to be illegal, but they detained Jinpa nonetheless, possibly in connection with pro-independence posters that appeared in the monastery a year earlier.

Public security officials based at Sera Monastery in Lhasa detained monk Gyaltsen Namdrag in May 2006 on suspicion that he distributed pro-independence pamphlets, according to an unofficial report.<sup>284</sup> The Lhasa Intermediate People's Court sentenced him in October to five years' imprisonment on charges of endangering state security (probably "inciting splittism"). Gyaltsen Namdrag is reportedly serving his sentence at Qushui Prison, according to the report.

The Lhasa Intermediate People's Court sentenced tailor Sonam Gyalpo to 12 years' imprisonment for espionage on June 9, 2006,<sup>285</sup> following a search of his Lhasa home in August 2005 by state security officials who discovered photos and videotapes of the Dalai Lama and printed matter, according to an unofficial report.<sup>286</sup> Sonam Gyalpo allegedly made contact with the Tibetan government-in-exile in the 1990s and engaged in pro-independence activity in the TAR, according to official Chinese information reported by Dui Hua Dialogue in April 2007.<sup>287</sup> Sonam Gyalpo was 1 of about 10 Tibetans detained before the 40th anniversary of the TAR on September 1, 2005, according to another unofficial report.<sup>288</sup> He was reportedly imprisoned twice previously for a total of nearly four years as punishment for political activity,<sup>289</sup> and is serving his current sentence in Qushui Prison.<sup>290</sup>

Official Chinese information confirmed the detention of Lhasa school teacher Drolma Kyab in March 2005, his conviction on charges of espionage and illegally crossing the border, and his sentence of 10 years and 6 months' imprisonment after he authored a manuscript touching on sensitive political subjects.<sup>291</sup> The unpublished book contained 57 chapters on subjects such as "democracy, sovereignty of Tibet, Tibet under [C]ommunism, colonialism, [and] religion," according to an unofficial report.<sup>292</sup> Drolma Kyab had started a second work that focused on Tibetan geography and that touched on topics including the number and location of military camps in "Chinese occupied Tibet."<sup>293</sup> He smuggled a letter appealing to the United Nations for help out of Qushui Prison,<sup>294</sup> where he is serving his sentence.<sup>295</sup> Drolma Kyab wrote in the letter, "They think that what I wrote about nature and geography was also connected to Tibetan independence. . . . [T]his is the main reason of my conviction, but according to Chinese law, the book alone would not justify such a sentence. So they announced that I am guilty of the crime of espionage."<sup>296</sup>

The Gannan Intermediate People's Court in Gansu province sentenced nun Choekyi Drolma to three years' imprisonment in December 2005 for "inciting splittism," according to official Chinese information that became available in November 2006.<sup>297</sup> She is serving her sentence in the Gansu Women's Prison. Choekyi Drolma was among five Tibetan monks and nuns detained in 2005 in Xiahe (Sangchu), in Gannan (Kanlho) Tibetan Autonomous Prefecture (TAP) in Gansu. Public security officials detained her along with nuns Tamdrin Tsomo and Yonten Drolma of Gedun Tengyeling Nunnery, and monks Dargyal Gyatso and Jamyang Samdrub of Labrang Tashikhyil Monastery, on May 22, 2005, on suspicion that they circulated and displayed letter-sized posters that were critical of the Chinese government. The official information mentioned only Choekyi Drolma, but it is likely that the court tried and sentenced the five monks and nuns together since they allegedly acted together. Dargyal Gyatso and Tamdrin Tsomo are believed to be serving 3-year sentences; Jamyang Samdrub and Yonten Drolma are believed to have been released after completing 18-month sentences.<sup>298</sup>

Jamphel Gyatso and Tashi Gyaltsen, two of a group of five monks of Dragkar Traldzong Monastery reportedly detained in Qinghai province in January 2005 and sentenced in February for publishing a poem in the monastery newsletter, are reportedly serving their three-year sentences at a brick kiln near Xining, the capital of Qinghai.<sup>299</sup> The other three monks, Lobsang Dargyal, Tsesum Samten, and Tsultrim Phelgyal, completed two-year and six-month sentences in July 2007 and are presumed to be released. Security officials considered the poem to be politically sensitive and ordered the monks to serve terms of reeducation through labor.

No new developments were reported in the past year in the cases of prisoners Bangri Chogtrul or Tenzin Deleg, reincarnated Tibetan lamas convicted in separate cases. Both men had contact with the Dalai Lama in India in the years prior to their detentions. Bangri Chogtrul (Jigme Tenzin Nyima), who lived as a householder in Lhasa and managed a children's home along with his wife, was convicted of inciting splittism and sentenced to life imprisonment

in a closed court in Lhasa in September 2000.<sup>300</sup> The Lhasa Intermediate People's Court commuted his sentence to 19 years of fixed term imprisonment in July 2003, and reduced the sentence by 1 year in November 2005.<sup>301</sup> Tenzin Deleg (A'an Zhaxi) was convicted in a closed court in Sichuan province in November 2002 of conspiring to cause explosions and inciting splittism.<sup>302</sup> Authorities claim that the case involves state secrets and refuse to disclose details of evidence that establishes a direct link between Tenzin Deleg and the alleged criminal acts. The Commission and Human Rights Watch have published reports on the case, which has stirred international controversy for its procedural violations and lack of transparency.<sup>303</sup> The provincial high court commuted Tenzin Deleg's reprieved death sentence to life imprisonment in January 2005. Chinese officials acknowledge that he suffers from coronary heart disease and high blood pressure.<sup>304</sup>

In an incident linked to a protest against Tenzin Deleg's imprisonment, public security officials in Litang county, Ganzi TAP, detained Tibetan nomad Ronggyal Adrag (Runggye Adak) on August 1, 2007, at a horse-racing festival after he climbed onto a stage where officials were scheduled to speak and, according to one report,<sup>305</sup> shouted slogans calling for the Dalai Lama's return to Tibet, the release of Gedun Choekyi Nyima (the Panchen Lama identified by the Dalai Lama), and Tibetan independence. According to other reports,<sup>306</sup> he called for the Dalai Lama's return, freedom of religion, and the releases of the Panchen Lama and Tenzin Deleg. Ronggyal Adrag's statements may have been provoked by a petition drive conducted by Chinese officials who visited local monasteries in the weeks before the festival and told monks to sign a petition stating that they do not want the Dalai Lama to return to Tibet.<sup>307</sup> In an unusually swift and public response, China's state-run media acknowledged on August 3 that police detained Ronggyal Adrag for "inciting separation of the nationalities," and that more than 200 Tibetans had gathered the same day outside the detention center to call for his release.<sup>308</sup> All of the Tibetans left the area of the detention center by the following day, according to the official report. A week later, on August 8, People's Armed Police forces used tear gas and stun grenades to disperse Tibetans who gathered peacefully near the horse-racing grounds to call for Ronggyal Adrag's release, according to an unofficial report.<sup>309</sup> Authorities detained three of Ronggyal Adrag's nephews on August 21, including monk Adrug Lopoe of Lithang Monastery, whom police deemed to be a "splittist" influence behind the public demands for Ronggyal Adrag's release.<sup>310</sup> Officials released Adrug Lopoe's two brothers soon after they took him into detention.<sup>311</sup>

Another incident of Tibetan expression of the wish for the Dalai Lama to return to Tibet resulted in the detention of seven 14- and 15-year old middle school students in Xiahe county, Gannan TAP, according to an NGO report.<sup>312</sup> On or about September 7, 2007, local public security officials detained about 40 students from a village middle school after some of the students allegedly wrote slogans on walls calling for the Dalai Lama's return and Tibetan freedom.<sup>313</sup> Police released all but seven of the students within 48 hours, and transferred seven boys to the Xiahe county seat, where authorities refused to provide any information to the children's

families or confirm that they were in police custody.<sup>314</sup> The report named five of the boys: Chopa Kyab (age 14), Drolma Kyab (14), Tsekhu (14), and two 15-year-olds each named Lhamo Tseten.<sup>315</sup> Police reportedly beat one of the seven boys upon detention, resulting in profuse bleeding, and refused to allow the boy's family to take him for medical care.

Chinese authorities carried out 13 known detentions of Tibetans in 2006, a decrease compared to the 24 such detentions in 2005 and 15 such detentions in 2004, according to information available in the Commission's Political Prisoner Database (PPD) as of September 2007. Of the known political detentions in 2006, nine took place in Sichuan province and four in the TAR. The PPD listed 100 known cases of current Tibetan political detention or imprisonment, a figure that is likely to be lower than the actual number of Tibetan political prisoners. Reports of Tibetan political imprisonment often do not reach monitoring groups until at least one or two years after the detentions occur. Forty-nine of the Tibetans are believed to be detained or imprisoned in the TAR, 30 in Sichuan province, 9 in Qinghai province, and 9 in Gansu province. The location where Chinese authorities are holding the Panchen Lama and his parents is unknown. Based on sentence information available for 61 of the current prisoners, the average sentence length is 11 years and 7 months.

The number of known cases of current Tibetan political detention or imprisonment reported in the current Annual Report is approximately half the number that the Commission reported in the 2002 Annual Report.<sup>316</sup> The downward trend in the number of known Tibetan political prisoners may reflect incomplete information, as well as fewer Tibetans risking imprisonment as punishment for peaceful expression and non-violent action in opposition to Chinese policies. Instead, Tibetans may be turning to other methods of expressing their culture and self-identity.

Monk Ngawang Phuljung of Drepung Monastery, the longest serving Tibetan who remains imprisoned for counterrevolutionary crimes, received a 6-month reduction to his 19-year sentence in September 2005 and is due for release from Qushui Prison on October 18, 2007, according to an October 2006 report based on official Chinese information.<sup>317</sup> After his detention in April 1989, the Lhasa Intermediate People's Court sentenced him along with nine other Drepung monks at a public rally in November. Ngawang Phuljung's crimes included "forming a counterrevolutionary organization," "spreading counterrevolutionary propaganda," "passing information to the enemy," and "crossing the border illegally and spying," according to a 1994 UN Working Group on Arbitrary Detention (UNWGAD) report that quoted an official Chinese response about the case.<sup>318</sup> The UNWGAD report declared Ngawang Phuljung's detention arbitrary, and stated that the alleged espionage and betrayal of state secrets "consisted in fact in the exposure of cases of violations of human rights including their disclosure abroad."



*The Commission's Executive Branch members have participated in and supported the work of the Commission, including the preparation of the 2007 Annual Report. The views and recommendations expressed in this report, however, do not necessarily reflect the views of individual Executive Branch members or the Administration.*



## Endnotes

<sup>1</sup>PRC Constitution, art. 36 (“enjoy freedom of religious belief”), art. 116 (“enact autonomy regulations and specific regulations in the light of the political, economic, and cultural characteristics of the nationality or nationalities”), art. 119 (“independently administer educational, scientific, cultural, public health, and physical culture affairs”), art. 121 (“employ the spoken and written language or languages in common use”). Regional Ethnic Autonomy Law, enacted 31 May 84, amended 28 February 01, art. 11 (“guarantee the freedom of religious belief”), art. 19 (“enact self-governing regulations and separate regulations in the light of the political, economic, and cultural characteristics”), art. 21 (“use the language or languages commonly used in the locality; . . . the language of the nationality exercising regional autonomy may be used as the main language”), art. 36 (“decide on educational plans”), art. 37 (“independently develop education for the nationalities”), art. 38 (“develop literature, art, the press, publishing, radio broadcasting, the film industry, television, and other cultural undertakings”). Regulation on Religious Affairs, issued 30 November 04, art. 2 (“Citizens enjoy freedom of religious belief.”).]

<sup>2</sup>CECC, 2004 Annual Report, 5 October 04, sec. I. The 2004 recommendation stressed more specifically the objectives of dialogue: “The future of Tibetans and their religion, language, and culture depends on fair and equitable decisions about future policies that can only be achieved through dialogue. The Dalai Lama is essential to such a dialogue. The President and the Congress should continue to urge the Chinese government to engage in substantive discussions with the Dalai Lama or his representatives.” CECC, 2005 Annual Report, 11 October 05, sec. I. The 2005 recommendation called for direct contact between the Dalai Lama and the Chinese leadership: “To help the parties build on visits and dialogue held in 2003, 2004, and 2005, the President and the Congress should urge the Chinese government to move the current dialogue toward deeper, substantive discussions with the Dalai Lama or his representatives, and encourage direct contact between the Dalai Lama and the Chinese leadership.”

<sup>3</sup>CECC, 2006 Annual Report, 20 September 06, 17–18.

<sup>4</sup>H. Con. Res. 196, “Authorizing the use of the Rotunda and grounds of the Capitol for a ceremony to award the Congressional Gold Medal to Tenzin Gyatso, the Fourteenth Dalai Lama,” 4 September 07. According to the House Concurrent Resolution, the award ceremony will take place in the Capitol Rotunda on October 17, and the Capitol grounds will be available for a public event. The Resolution names the International Campaign for Tibet as the sponsor of the public event.

<sup>5</sup>S. 2784, Fourteenth Dalai Lama Congressional Gold Medal Act, The Library of Congress (Online), enacted 27 September 06; International Campaign for Tibet (ICT) (Online), “US Congress Passes Bill to Award the Dalai Lama the Congressional Gold Medal: Bill Cosponsored by 387 Members of U.S. House and Senate,” 13 September 06. ICT notes that the Fourteenth Dalai Lama Congressional Gold Medal Act was introduced as S.2782 by Senators Dianne Feinstein and Craig Thomas, and as H.R.4562 by Representatives Ileana Ros-Lehtinen, and Tom Lantos.

<sup>6</sup>Steven Marshall and Susette Cooke, *Tibet Outside the TAR: Control, Exploitation and Assimilation: Development With Chinese Characteristics* (Washington D.C.: self-published CD-ROM, 1997), Table 7. The 13 Tibetan autonomous areas include the provincial-level Tibet Autonomous Region (TAR), with an area of 1.2 million square kilometers (463,320 square miles), as well as 10 Tibetan autonomous prefectures (TAP) and two Tibetan autonomous counties (TAC) located in Qinghai, Gansu, Sichuan, and Yunnan provinces. Qinghai province: Yushu TAP, 197,791 square kilometers (76,367 square miles); Guoluo (Golog) TAP, 78,444 square kilometers (30,287 square miles); Huangnan (Malho) TAP, 17,901 square kilometers (6,912 square miles); Hainan (Tsolho) TAP, 41,634 square kilometers (16,075 square miles); Haibei (Tsojang) TAP, 52,000 square kilometers (20,077 square miles); Haixi (Tsonub) Mongol and Tibetan AP, 325,787 square kilometers (125,786 square miles). Gansu province: Gannan (Kanlho) TAP, 45,000 square kilometers (17,374 square miles); Tianzhu (Pari) TAC, 7,150 square kilometers (2,761 square miles). Sichuan province: Ganzi (Kardze) TAP, 153,870 square kilometers (59,409 square miles); Aba (Ngaba) Tibetan and Qiang AP, 86,639 square kilometers (33,451 square miles); Muli (Mili) TAC, 11,413 square kilometers (4,407 square miles). Yunnan province: Diqing (Dechen) TAP, 23,870 square kilometers (9,216 square miles). The Table provides areas in square kilometers; conversion to square miles uses the formula provided on the Web site of the U.S. Geological Survey (USGS): one square kilometer = 0.3861 square mile. Based on data in the Table, the 10 TAPs and 2 TACs have a total area of approximately 1.04 million square kilometers (402,000 square miles). The TAR and the Tibetan autonomous prefectures and counties are contiguous and total approximately 2.24 million square kilometers (865,000 square miles). Xining city and Haidong prefecture, located in Qinghai province, have a total area of 20,919 square kilometers (8,077 square miles) and are not Tibetan autonomous areas.

<sup>7</sup>Office of the Special Coordinator for Tibetan Issues, U.S. Department of State, Report on Tibet Negotiations, 11 July 2007. The Report is mandated by Section 611 of the Foreign Relations Authorization Act, 2003.

<sup>8</sup>Ibid.

<sup>9</sup>Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid. President Bush raised the issue of dialogue and direct discussion between the Dalai Lama and Chinese officials when he met President Hu in Washington in April 2006 and at the Asia-Pacific Economic Cooperation Forum (APEC) in Vietnam the following November.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> Paula Dobriansky was sworn in as Under Secretary of State for Global Affairs on May 1, 2001. She was appointed Special Coordinator for Tibetan Issues on May 17, 2001. She was appointed CECC Commissioner in July 2001.

<sup>15</sup> U.S. Department of State, Report on Tibet Negotiations.

<sup>16</sup> Ibid.

<sup>17</sup> "Dalai Lama's Envoy: China Talks Deal With Substantive Issues, Encounter Obstacle," CECC China Human Rights and Rule of Law Update, April 2006, 3. The envoys visited China on September 9–27, 2002; May 25–June 8, 2003; September 12–29, 2004, and February 15–23, 2006. The fourth round of dialogue took place at the Chinese Embassy in Bern, Switzerland on June 30–July 1, 2005.

<sup>18</sup> Tibetan Government-in-Exile, "Statement by Special Envoy of His Holiness the Dalai Lama, Lodi Gyari, head of the Tibetan delegation, following the sixth round of discussions with the Chinese leadership," 7 July 07.

<sup>19</sup> Word count of main text of Special Envoy statements following sessions of dialogue: 2002, 770 words; 2003, 831 words; 2004, 454 words; 2005, 514 words; 2006, 303 words; 2007, 235 words.

<sup>20</sup> International Campaign for Tibet (Online), "ICT's Mission," last visited 15 July 07. In addition to serving as the Dalai Lama's Special Envoy, Lodi Gyari is the Executive Chairman of the International Campaign for Tibet (ICT). International Campaign for Tibet (Online), "ICT's Mission," last visited 15 July 07. ICT "promotes self-determination for the Tibetan people through negotiations between the Chinese government and the Dalai Lama."

<sup>21</sup> Tibetan Government-in-Exile, "Statement by Special Envoy of His Holiness the Dalai Lama, Lodi Gyari, head of the Tibetan delegation, following the sixth round of discussions with the Chinese leadership," 7 July 07.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

<sup>24</sup> "Communist Party Adds Tibetan Affairs Bureau to the United Front Work Department," CECC China Human Rights and Rule of Law Update, October 2006, 8.

<sup>25</sup> Ibid.

<sup>26</sup> Ibid.

<sup>27</sup> Ibid.

<sup>28</sup> Tibetan Government-in-Exile (Online), "Statement by Special Envoy Lodi Gyari, Head of the Delegation Sent by His Holiness the Dalai Lama to China," 11 June 03; Tibetan Government-in-Exile (Online), "Statement by Special Envoy Kasur Lodi Gyari, Head of the Delegation to China," 13 October 04.

<sup>29</sup> "Forum on Tibetan Cultural Preservation Upholds Party Development Policy," CECC China Human Rights and Rule of Law Update, November 2006, 12–13.

<sup>30</sup> "Talks With Chinese Officials in Switzerland Were Concrete and Substantive, Says Tibetan Special Envoy," CECC China Human Rights and Rule of Law Update, August 2005, 2–3.

<sup>31</sup> "Forum on Tibetan Cultural Preservation Upholds Party Development Policy," CECC China Human Rights and Rule of Law Update, November 2006, 12–13.

<sup>32</sup> Ibid.

<sup>33</sup> The Dalai Lama has made a statement on the anniversary of the 1959 Lhasa uprising on March 10 of every year that he has lived in exile, beginning in 1960.

<sup>34</sup> Tibetan Government-in-Exile (Online), "The Statement of His Holiness the Dalai Lama on the Forty-Eighth Anniversary of the Tibetan National Uprising Day," 10 March 2007. PRC Constitution, Preamble. Samdhong Rinpoche's remark refers to a statement in the Preamble, "In the struggle to safeguard the unity of the nationalities, it is necessary to combat big-nation chauvinism, mainly Han chauvinism, and also necessary to combat local-national chauvinism." China's system of ethnic autonomy is an attempt to resolve the divergent interests of a dominant and potentially overbearing ethnic group (Han) and nationalistic ethnic minorities (such as Tibetans, Uighurs, and Mongols).

<sup>35</sup> Testimony of Lodi G. Gyari, Special Envoy of His Holiness the Dalai Lama, at the House Foreign Affairs Committee Hearing on the Status of Tibet Negotiations, U.S. House of Representatives Committee on Foreign Affairs (Online), 13 March 07.

<sup>36</sup> Tibetan Government-in-Exile (Online), "We Are Not Asking for 'High' or 'Low' Degree of Autonomy: Kalon Tripa," 12 May 07.

<sup>37</sup> Tibetan Government-in-Exile (Online), "The Middle-Way Approach: A Framework for Resolving the Issue of Tibet," last visited 13 July 07. The explanation of the Middle-Way Approach lists eight "important components." The first three are: (1) Without seeking independence for Tibet, the Central Tibetan Administration strives for the creation of a political entity comprising the three traditional provinces of Tibet; (2) Such an entity should enjoy a status of genuine national regional autonomy; (3) This autonomy should be governed by the popularly-elected legislature and executive through a democratic process.

<sup>38</sup> Tibetan Government-in-Exile (Online), "Tibet at a Glance," last visited 14 July 07. "Land Size: 2.5 million square kilometers, which includes U-Tsang, Kham and Amdo provinces [the three traditional provinces of Tibet]. 'Tibet Autonomous Region,' consisting of U-Tsang and a small portion of Kham, consists of 1.2 million square kilometers." A People's Daily Web page states that the area of China is 9.6 million square kilometers.

<sup>39</sup> "Dalai Lama's Special Envoy Describes Status of Discussions With Chinese Government," CECC China Human Rights and Rule of Law Update, December 2006, 6–7.

<sup>40</sup>“Seeking Unity Through Equality: The Current Status of Discussions Between His Holiness the Dalai Lama and the Government of the People’s Republic of China,” Prepared Statement of Lodi Gyaltzen Gyari, Special Envoy of His Holiness the Dalai Lama, The Brookings Institution (Online), 14 November 2006.

<sup>41</sup>Question and Answer Session with Lodi Gyaltzen Gyari, Special Envoy of His Holiness the Dalai Lama, on the Current State of Discussions Between the Dalai Lama and the Government of the People’s Republic of China, The Brookings Institution (Online), 14 November 2006.

<sup>42</sup>Tibetan Government-in-Exile (Online), “Statement of His Holiness the Dalai Lama on the Forty-Seventh Anniversary of the Tibetan National Uprising Day.”

<sup>43</sup>Tibetan Government-in-Exile (Online), “We Are Not Asking for ‘High’ or ‘Low’ Degree of Autonomy: Kalon Tripa,” 12 May 07.

<sup>44</sup>International Campaign for Tibet, Tibet at a Glance. The ICT Web page describes Tibet as an “occupied” country of 2.5 million square kilometers (965,000 square miles) with Lhasa as its capital.

<sup>45</sup>“Dalai Lama’s Special Envoy Describes Status of Discussions With Chinese Government,” CECC China Human Rights and Rule of Law Update, December 2006, 6–7. “Seeking Unity Through Equality,” Prepared Statement of Lodi Gyaltzen Gyari.

<sup>46</sup>“Seeking Unity Through Equality,” Prepared Statement of Lodi Gyaltzen Gyari.  
<sup>47</sup>“Dalai Lama’s Special Envoy Describes Status of Discussions With Chinese Government,” CECC China Human Rights and Rule of Law Update, December 2006, 6–7. Steven Marshall and Susette Cooke, Tibet Outside the TAR, Table 7. The total area of the TAR and Tibetan autonomous prefectures and counties is approximately 2.24 million square kilometers (865,000 square miles). The area that Tibetans claim as Tibet, 2.5 million square kilometers, is approximately 965,000 square miles.

<sup>48</sup>Tabulation on Nationalities of 2000 Population Census of China, Department of Population, Social, Science and Technology Statistics, National Bureau of Statistics, and Department of Economic Development, State Ethnic Affairs Commission (Beijing: Ethnic Publishing House, September 2003), Table 10–4. The only prefectural-level areas of Qinghai province that are not a Tibetan autonomous prefecture or a Mongol and Tibetan autonomous prefecture are Xining municipality and Haidong prefecture. According to official 2000 census information, the total population of Xining and Haidong was about 3.24 million. Of that population, about 224,000 persons (6.9 percent) were Tibetans.

<sup>49</sup>The territory that Tibetans claim outside the existing Tibetan autonomous areas contain parts of autonomous prefectures or counties named to reflect ethnic groups including the Hui, Salar, and Tu in Qinghai province; the Kazak, Mongol, Yugur, Hui, Dongxiang, and Bao’an in Gansu province; the Yi in Sichuan province; the Naxi, Lisu, Nu, Bai, and Pumi in Yunnan province; and, according to some maps, the Mongol in Xinjiang. Substantial Han Chinese populations are also included, some established for centuries.

<sup>50</sup>Tabulation on Nationalities of 2000 Population Census of China, Table 10–4. According to official data, no county-level area outside the existing Tibetan autonomous areas has a Tibetan population higher than 25 percent. Three counties outside the existing Tibetan autonomous areas have a Tibetan population between 20 and 25 percent: Xunhua Salar Autonomous County (24.7 percent), Hualong Hui Autonomous County (21.5 percent), and Su’nan Yugur Autonomous County (24.4 percent) in Gansu province. One county outside the existing Tibetan autonomous areas has a Tibetan population between 10 and 20 percent: Huangyuan county (10.4 percent) in Qinghai province. Six counties outside the existing Tibetan autonomous areas have a Tibetan population between 5 and 10 percent: Huangzhong county (8.5 percent), Datong Hui Autonomous County (6.6 percent), Ledu county (6.4 percent), and Huzhu Tu Autonomous County (6.0 percent) in Qinghai province; and Shimian county (9.8 percent) and Baoxing county (8.7 percent) in Sichuan province.

<sup>51</sup>Ibid. Substantial areas and populations of the territory that Tibetans claim outside the existing Tibetan autonomous areas contain Tibetan populations of 5 percent or less, including part or all of: Xining municipality in Qinghai province; Jiuquan, Zhangye, and Wuwei municipalities, and Linxia Hui Autonomous Prefecture in Gansu province; Liangshan Yi Autonomous Prefecture in Sichuan province; and Lijiang Naxi Autonomous Prefecture and Nujiang Lisu Autonomous Prefecture in Yunnan province.

<sup>52</sup>“Seeking Unity Through Equality,” Prepared Statement of Lodi Gyaltzen Gyari.

<sup>53</sup>Ibid.

<sup>54</sup>Ministry of Foreign Affairs (Online), “The Tibetan ethnic minority,” 15 November 00. “In 1929, the Kuomintang government set up a commission for Mongolian and Tibetan affairs in Nanjing and established Qinghai province. In 1939, Xikang province was set up.” (The article also shows that the Guomindang established Qinghai province in 1929. Today, Qinghai is occupied principally by Tibetan autonomous prefectures established by the PRC government.) People’s Daily (Online), “Panda’s Hometown Lures Tourists, Investors With Wonders,” 23 August 01. “Ya’an boasts a history of over 2,000 years and was once the capital of Xikang province which was abolished in 1955.”

<sup>55</sup>International Campaign for Tibet, Tibet at a Glance. A map on the Web site shows the Tibetan boundary as a solid line. Portions of Qinghai, Gansu, Sichuan, and Yunnan provinces that are inside the Tibet boundary are shown as dashed lines. Tibetan Government-in-Exile (Online), Map of Tibet, last visited 14 July 07. The relatively straight contour between the western and northern tips of the Tibet map shows that a portion of Bayinguoleng Mongol Autonomous Prefecture is included within Tibet.

<sup>56</sup>PRC Constitution, art. 62(12). The National People’s Congress exercises the function and power to “approve the establishment of provinces, autonomous regions, and municipalities directly under the Central Government.” PRC Constitution, art. 89(15). The State Council exercises the function and power to “approve the geographic division of provinces, autonomous regions, and municipalities directly under the Central Government, and to approve the establish-

ment and geographic division of autonomous prefectures, counties, autonomous counties, and cities.”

<sup>57</sup> PRC Regional Ethnic Autonomy Law [hereinafter REAL], enacted 31 May 84, amended 28 February 01.

<sup>58</sup> REAL, Preamble.

<sup>59</sup> Tibetan Government-in-Exile (Online), “The Statement of His Holiness the Dalai Lama on the Forty-Eighth Anniversary of the Tibetan National Uprising Day.”

<sup>60</sup> PRC Constitution, art. 31. “The state may establish special administrative regions when necessary. The systems to be instituted in special administrative regions shall be prescribed by law enacted by the National People’s Congress in the light of the specific conditions.”

<sup>61</sup> Ibid.

<sup>62</sup> Tibetan Government-in-Exile, “We are not asking for ‘high’ or ‘low’ degree of autonomy.”

<sup>63</sup> REAL, Preamble.

<sup>64</sup> The REAL (amended 28 February 01) and State Council Regulations on the Implementation of the REAL (issued 11 May 05) promote increased emphasis on economic development, and reinforce the government’s Great Western Development program. The Regulation on Religious Affairs (RRA) (issued 30 November 04) elaborates the state’s legal control over the publication and dissemination of religious literature, the identification of high-ranking reincarnated Tibetan Buddhist lamas, state supervision over who teaches and studies religious subjects. The TAR Implementing Measures for the Regulation on Religious Affairs (issued 19 September 06) are more detailed and intrusive than the RRA in establishing control over the function of Tibetan Buddhism. The TAR Regulations on the Study, Use, and Development of the Tibetan Language (revised May 22, 2002) drop the requirement that state government agencies use both Mandarin and Tibetan, and instead allow them to decide to use either one.

<sup>65</sup> Question and Answer Session with Lodi Gyaltzen Gyari, The Brookings Institution. Responding to a question about the “unification of all ethnic Tibetans,” Gyari said that China accepts that “the Tibetan people are one people,” so the Tibetans are asking that they “be able to live within one single administration.” Gyari asserted, “I am utterly convinced from every point of view, what we ask is legitimate, what we ask is according to the Chinese Constitution, Chinese laws.” Tibetan Government-in-Exile, “We are not asking for ‘high’ or ‘low’ degree of autonomy.” Samdhong Rinpoche told a conference, “Our two desires are that the constitutional provisions of national regional autonomy must be implemented . . . , [so that] all Tibetans must be administered by a single autonomous self-government. . . . We are simply asking for the sincere implementation of the national regional autonomy provisions enshrined in the Constitution of the People’s Republic of China, which is further spelt out in the autonomy law.”

<sup>66</sup> REAL, art. 12. “Autonomous areas may be established where one or more minority nationalities live in concentrated communities, in the light of local conditions such as the relationship among the various nationalities and the level of economic development, and with due consideration for historical background.”

<sup>67</sup> PRC Constitution, art. 62(12), 89(15).

<sup>68</sup> Ibid., art. 116. “People’s congresses of national autonomous areas have the power to enact autonomy regulations and specific regulations in the light of the political, economic and cultural characteristics of the nationality or nationalities in the areas concerned. . . .” REAL, art. 19. “The people’s congresses of ethnic autonomous areas shall have the power to enact self-governing regulations and separate regulations in the light of the political, economic, and cultural characteristics of the nationality or nationalities in the areas concerned. . . .”

<sup>69</sup> PRC Legislation Law, enacted 15 March 00, art. 9. “In the event that no national law has been enacted in respect of a matter enumerated in Article 8 hereof, the [NPC] and the Standing Committee thereof have the power to make a decision to enable the State Council to enact administrative regulations in respect of part of the matters concerned for the time being, except where the matter relates to crime and criminal sanctions, the deprivation of a citizen’s political rights, compulsory measure and penalty restricting the personal freedom of a citizen, and the judicial system.”

<sup>70</sup> Ibid., art. 66.

<sup>71</sup> REAL, art. 20. “If a resolution, decision, order, or instruction of a state agency at a higher level does not suit the actual conditions in an ethnic autonomous area, an autonomous agency of the area may report for the approval of that higher level state agency to either implement it with certain alterations or cease implementing it altogether. . . .”

<sup>72</sup> PRC Legislation Law, art. 66. “. . . An autonomous decree or special decree may vary the provisions of a law or administrative regulation, provided that any such variance may not violate the basic principles thereof, and no variance is allowed in respect of any provision of the Constitution or the Law on Ethnic Area Autonomy and provisions of any other law or administrative regulations which are dedicated to matters concerning ethnic autonomous areas.”

<sup>73</sup> PRC Constitution, art. 31.

<sup>74</sup> State Council Information Office, “White Paper on Regional Ethnic Autonomy in Tibet,” Xinhua (Online), 23 May 04. “The situation in Tibet is entirely different from that in Hong Kong and Macao. The Hong Kong and Macao issue was a product of imperialist aggression against China; it was an issue of China’s resumption of exercise of its sovereignty. Since ancient times Tibet has been an inseparable part of Chinese territory, where the Central Government has always exercised effective sovereign jurisdiction over the region.” “Yedor: On the ‘Middle Way’ of the Dalai Lama,” China Tibet Information Center (Online), 18 July 06. “It is known to all that the ‘one country, two systems’ refers to the fact that the mainland follows the socialist system while Hong Kong and Macao continue to follow the capitalist system they had followed before. However, no capitalist system existed in Tibetan history; . . .”

<sup>75</sup> CECC, Annual Report 2002, 12 October 02, Sec. 1.

<sup>76</sup> CECC, Annual Report 2004, 5 October 04, Sec. 1.

<sup>77</sup> CECC, Annual Report 2006, 20 September 06, Sec. 1.

<sup>78</sup>Zhang Qingli, "Grasp the Two Major Affairs of Development and Stability, Promote the Building of a Harmonious Tibet," Seeking Truth, 16 January 07 (Open Source Center, 18 January 07); Tenzing Sonam, "Roadblock on the Middle Path," Himal Magazine (Online), December 2006. "Why, then, when the Tibetans are officially doing everything possible to create what the Kashag's Prime Minister, Samdhong Rinpoche, calls a 'conducive atmosphere,' are the Chinese stepping up their campaign to vilify the Dalai Lama, and denouncing his overtures to find accommodation?"

<sup>79</sup>"China Vows to Tighten Security in Tibet," Reuters, reprinted in Phayul (Online), 21 May 07. TAR Party Secretary Zhang Qingli told a group of Party members, "From beginning to end . . . we must deepen patriotic education at temples, comprehensively expose and denounce the Dalai Lama clique's political reactionary nature and religious hypocrisy;" "Tibetan Abbot Forced To Step Down," Radio Free Asia (Online), 30 May 07. A Tibetan Buddhist abbot in Gande county, Guolou Tibetan Autonomous Prefecture, Qinghai province, said that officials were stepping up patriotic education in the county. Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, Country Reports on Human Rights Practices—2006, China (includes Tibet, Hong Kong, and Macau), 8 March 06. "Numerous credible sources reported that political education sessions intensified in Lhasa beginning in April 2005."

<sup>80</sup>Tibet Autonomous Region Implementing Measures for the "Regulation on Religious Affairs" [hereinafter TAR 2006 Measures], issued by the Standing Committee of the Tibet Autonomous Region People's Government on September 19, 2006. The TAR 2006 Measures became effective on January 1, 2007.

<sup>81</sup>Ibid. The Measures contain 56 articles (6,221 Chinese characters). Tibet Autonomous Region Temporary Measures on the Management of Religious Affairs [hereinafter TAR 1991 Measures], issued by the Standing Committee of the Tibet Autonomous Region People's Government on December 9, 1991. The measures contain 30 articles (3,355 Chinese characters).

<sup>82</sup>State Administration for Religious Affairs, Measures on the Management of the Reincarnation of Living Buddhas in Tibetan Buddhism [Zangchuan fojiao huofu zhuanshi guanli banfa] [hereinafter MMR], issued 13 July 07.

<sup>83</sup>Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, International Religious Freedom Report—2006, China (includes Tibet, Hong Kong, and Macau), 15 September 06. "Although authorities permitted many traditional religious practices and public manifestations of belief, they promptly and forcibly suppressed any activities, which they viewed as vehicles for political dissent. This included religious activities that officials perceived as supporting the Dalai Lama or Tibetan independence."

<sup>84</sup>CECC Staff Interviews. The Kargyu, Sakya, and Nyingma traditions, especially in Tibetan areas outside the TAR, may experience less interference from authorities.

<sup>85</sup>"Zhang Qingli becomes new Party chief of Tibet," Xinhua (Online), 29 May 07; "Xinjiang Communist Party Official Promoted to Acting Secretary of the Tibet Autonomous Region," CECC China Human Rights and Rule of Law Update, January 2006, 19. The Party Central Committee appointed Zhang Qingli to the post of acting TAR Party Secretary in November 2005, and Secretary on May 29, 2006. Zhang previously served in the Xinjiang Uighur Autonomous Region as Deputy Party Secretary and commander of the Xinjiang Production and Construction Corps (XPCC).

<sup>86</sup>"TAR Party Secretary Accuses the Dalai Lama of Being a 'False Religious Leader,'" CECC China Human Rights and Rule of Law Update, September 2006, 14.

<sup>87</sup>The Party and government use the term "Western hostile forces" to include governments, NGOs, advocacy groups, media organizations, and individuals who criticize Chinese policies, actions, and records with respect to issues such as human rights, and who work to encourage or facilitate change in such areas.

<sup>88</sup>Zhang Qingli, "Grasp the Two Major Affairs of Development and Stability."

<sup>89</sup>"China Vows to Tighten Security in Tibet," Reuters.

<sup>90</sup>"Monk Dies Following Dispute With Patriotic Education Instructors," CECC China Human Rights and Rule of Law Update, December 2005, 10. "A Reader for Advocating Science and Technology and Doing Away With Superstitions" (translated by International Campaign for Tibet in When the Sky Fell to Earth: The New Crackdown on Buddhism in Tibet, 2004). The manual asks, "Why do we conduct patriotic education among monks and nuns in the monasteries?" and provides the answer: "Conducting patriotic education among the monks and nuns in the monasteries is an important aspect of strengthening the management of religious affairs by the government. . . . Dalai's bloc has never stopped penetrating and engaging in splittist activities in our region under the support of international antagonistic forces. . . . The monks and nuns should be religious professionals who love the country, love religion, obey the discipline, and abide by the law."

<sup>91</sup>"Lhasa Area Monks and Nuns Face a New Round of 'Patriotic Education,'" CECC China Human Rights and Rule of Law Update, November 2005, 10; Tibetan Centre for Human Rights and Democracy (Online), "China Recommences 'Patriotic Education' Campaign in Tibet's Monastic Institutions," 13 October 05.

<sup>92</sup>International Campaign for Tibet (Online), "The Communist Party as Living Buddha: The Crisis Facing Tibetan Religion Under Chinese Control," 26 April 2007, 5. Tibetan Centre for Human Rights and Democracy (Online), Annual Report 2006, March 2006, 39, 41–42.

<sup>93</sup>"Tibetan Abbot Forced To Step Down," Radio Free Asia. RFA reports that officials forced an abbot of a Tibetan Buddhist monastery in Gande (Gade) county, Guoluo (Golog) Tibetan Autonomous Prefecture to step down in May after he refused to sign a statement denouncing the Dalai Lama. An official of the county Religious Affairs Bureau allegedly acknowledged that authorities were stepping up patriotic education.

<sup>94</sup>"Zhang Qingli Delivers Major Address at Opening of Party Conference in Tibet [Xizang quanqu dangyuan lingdao ganbu dahui zhao kai Zhang Qingli fabiao zhongyao jianghua]," Tibet Daily, reprinted in Xinhua (Online), 16 May 06; "TAR Party Secretary Calls for Tighter Control

of Tibetan Monasteries, Nunneries,” China Human Rights and Rule of Law Update, July 2006, 9.

<sup>95</sup> International Campaign for Tibet, “The Communist Party as Living Buddha,” 37. ICT cites, Xinhua, “Zhang Qingli: Ensure Tibet’s Leap-over Style Development and Long Term Order and Security [Zhang Qingli: Quebao Xizang kuayueshi fazhan he changzhi jiu’an], 18 May 06.

<sup>96</sup> RRA, art. 17: “Venues for religious activities shall set up management organizations and practice democratic management. Members of the management organizations of venues for religious activities shall be selected through democratic consultations and reported as a matter of record to the registration management organs for the venues.” (In a Tibetan monastery or nunnery, a DMC is generally made up of monks or nuns selected from among themselves. Candidates are sometimes screened by local officials, according to some reports.)

<sup>97</sup> International Campaign for Tibet, “The Communist Party as Living Buddha,” 39.

<sup>98</sup> Ibid.

<sup>99</sup> Tibet Autonomous Region Temporary Measures on the Management of Religious Affairs [hereinafter TAR 1991 Measures], issued by the Standing Committee of the Tibet Autonomous Region People’s Government on December 9, 1991, art. 15. “The Buddhist Association is a mass organization of personages from religious circles and religious believers, and a bridge for the Party and government to unite and educate personages from religious circles and the believing masses. Its effectiveness shall be vigorously brought into play under the administrative leadership of the government’s religious affairs department.”

<sup>100</sup> Regulation on Religious Affairs (RRA) [Zongjiao shiwu tiaoli], issued 30 November 04.

<sup>101</sup> Zhang Qingli, “Grasp the Two Major Affairs of Development and Stability.”

<sup>102</sup> “Regional National Autonomy Is the Only Road for Tibet’s Development, Part One,” Xinhua, 24 April 07 (Open Source Center, 17 May 07). (Official TAR reports provided the figures of more than 1,700 monasteries and nunneries and 46,000 monks and nuns as early as 1996.)

<sup>103</sup> Zhang Qingli, “Grasp the Two Major Affairs of Development and Stability.”

<sup>104</sup> Tibet Autonomous Region Implementing Measures for the “Regulation on Religious Affairs” [hereinafter TAR 2006 Measures], issued by the Standing Committee of the Tibet Autonomous Region People’s Government on September 19, 2006. The measures became effective on January 1, 2007.

<sup>105</sup> RRA, translated on the Web site of China Elections and Governance.

<sup>106</sup> TAR 2006 Measures. Of the Measures 56 articles: 7 articles lay out the “general principles” for religious activity; 21 articles stipulate responsibilities and regulations for “religious organizations” (provincial-level, government-controlled Buddhist associations) and “venues for religious activities” (e.g. monasteries and nunneries), as well as on activity by monasteries and nunneries; 17 articles regulate religious activity by “religious personnel” (e.g. monks and nuns); 10 articles stipulate punitive measures against persons or entities that violate the measures; 1 article repeals the 1991 Temporary Measures on the Management of Religious Affairs.

<sup>107</sup> State Council Information Office, “White Paper on Regional Ethnic Autonomy in Tibet,” Xinhua (Online), 23 May 04. “At present, there are over 1,700 venues for Tibetan Buddhist activities, with some 46,000 resident monks and nuns; four mosques and about 3,000 Muslims; and one Catholic church and over 700 believers in the [Tibet Autonomous Region].”

<sup>108</sup> TAR 1991 Measures, issued by the Standing Committee of the Tibet Autonomous Region People’s Government on December 9, 1991.

<sup>109</sup> TAR 2006 Measures, arts. 36–40.

<sup>110</sup> RRA, art. 27.

<sup>111</sup> TAR 1991 Measures, art. 23.

<sup>112</sup> Ministry of Foreign Affairs (Online), “Did Tibet Become an Independent Country After the Revolution of 1911?” 15 November 00. “In 1792 the Twenty-Nine Article Imperial Ordinance was issued. It stipulated in explicit terms for the reincarnation of the Living Buddhas in Tibet as well as the administrative, military, and foreign affairs.” (The edict sought to impose Qing control over religious, administrative, military, fiscal, commercial, and foreign affairs. The edict demanded that an Amban, the “Resident Official” representing the imperial court, would have equal status to the Dalai and Panchen Lamas, and function as the supervisor of the Tibetan administration.)

<sup>113</sup> Although the TAR 2006 Measures are government-issued, the measures depend in part on Democratic Management Committees (DMCs) and Buddhist associations for effective application. The Party maintains regular contact with both organizations, and requires each of them to study and implement Party policies on religion.

<sup>114</sup> TAR 2006 Measures, art. 36.

<sup>115</sup> Ibid., art. 37.

<sup>116</sup> Ibid., art. 38.

<sup>117</sup> Ibid., art. 39.

<sup>118</sup> Ibid., art. 39.

<sup>119</sup> The RRA contains no precedent for restriction on travel by religious professionals such as Tibetan Buddhist monks and nuns. The TAR 1991 Measures contained no restrictions on intra-provincial travel by monks and nuns. The Commission does not have on file detailed information about local rules or practices that may have exceeded the level of restriction provided for by the TAR 1991 Measures or the RRA.

<sup>120</sup> TAR 2006 Measures, arts. 41–44.

<sup>121</sup> “Practicing religion” is distinct from studying religion, which is more strictly regulated. Practicing religion may include activities such as conducting extended periods of prayer and ritual offering, or going on pilgrimage. Monks and nuns sometimes conduct extended periods of prayer and offering while living in seclusion, or in remote places in a rudimentary shelter.

<sup>122</sup> TAR 2006 Measures, art. 41. The requirement to report for the record to the local government’s religious affairs bureau could provide government officials a pretext to discourage, interfere in, or prevent monks and nuns from engaging in traditional Buddhist practices, especially living in seclusion or in remote places.



<sup>123</sup> Ibid., art. 43.

<sup>124</sup> TAR 1991 Measures, art. 9.

<sup>125</sup> TAR 2006 Measures, arts. 46–55. The articles use the term “disqualify,” not “expel.” “Disqualify” here means to disqualify someone from legally practicing religion as a religious professional. Revoking registration as a “religious professional” terminates a person’s legal status as a monk or nun, and the authorization to reside at a monastery or nunnery in order to study and practice religion.

<sup>126</sup> Ibid., art. 34. The RRA and TAR 1991 Measures do not explicitly state such a ban.

<sup>127</sup> Ibid., art. 53.

<sup>128</sup> Padmasambhava, or Guru Rinpoche, is regarded as one of the greatest teachers of Tibetan Buddhism and a central figure in the oldest tradition of Tibetan Buddhism, the Nyingma.

<sup>129</sup> Gyurme Dorje, *Tibet Handbook*, (Bath, England: Trade and Travel Handbooks, 1996), 235. Samye Monastery was probably constructed between 775 and 779, although other historical accounts provide different dates.

<sup>130</sup> International Campaign for Tibet (Online), “Demolition of Giant Buddha Statue at Tibetan Monastery Confirmed by China,” 14 June 07.

<sup>131</sup> Tibetan Centre for Human Rights and Democracy (Online), “Colossal Guru Rinpoche’s Statue Demolished in Tibet: China’s New Religious Affairs Regulations for ‘TAR’ Entered Into Force,” 4 June 07.

<sup>132</sup> Ibid.

<sup>133</sup> RRA, art. 24, “No organizations or individuals other than religious bodies, monasteries, temples, mosques, and churches may build large-size outdoor religious statues.” TAR 2006 Measures, art. 13, “No group or individual outside of religious organizations and venues for religious activities may build religious structures such as a large-scale open-air religious statue, or mani lhakhang [prayer (wheel) temple].” (The TAR 1991 Measures do not contain a precedent for Article 13 of the TAR 2006 Measures.)

<sup>134</sup> RRA, art. 44, “Where, in violation of the provisions of these Regulations, anyone builds a large outdoor religious statue, the religious affairs department shall order it to discontinue the construction and to demolish the statue in a specified time limit; . . .” TAR 2006 Measures, art. 48, “Where, in violation of provisions in Article 13 of these measures, a religious structure such as an outdoor religious statue, stupa, or mani lhakhang [prayer (wheel) temple] is built without authorization outside of a venue for religious activity, the people’s government religious affairs department at the county level or above orders redress, suspension of construction, and demolition within a specified time limit, in accordance with relevant laws and regulations.”

<sup>135</sup> “Samye Moves Open-air Statue of Buddha,” China Tibet Information Center (Online), 9 June 07. “Samye Monastery made bold to erect a copper statue of Buddha Padmasambhava in the open air donated by a related enterprise’s principal, which disobeyed the Law of the People’s Republic of China on Protection of Cultural Relics and the Notice of Illegally Building Open Statue of Buddha jointly issued by the State Administration for Religious Affairs of People’s Republic of China, Ministry of Construction of the People’s Republic of China, and China National Tourism Administration.”

<sup>136</sup> Ibid.

<sup>137</sup> International Campaign for Tibet, “Demolition of Giant Buddha Statue at Tibetan Monastery”

<sup>138</sup> Zhang Qingli, “Grasp the Two Major Affairs of Development and Stability.”

<sup>139</sup> Tibet Information Network (TIN), Background Briefing Papers: Documents and Statements from Tibet 1996–1997, 1998, 45. A November 4, 1996, article in the Tibet Daily said that the number of monasteries and nunneries in the TAR (1,787) was too high and that the Party planned in 1986 that only 229 monasteries would be reopened in the TAR. The article said that the number of monks and nuns (46,000 in early 1996) was high and created a negative impact on social and economic development. (The TIN summary of the article did not include any reference to a Party statement explicitly calling for a reduction in the number of monasteries, nunneries, monks, and nuns.)

<sup>140</sup> “Reincarnation of Tibetan Living Buddhas Must Get Government Approval,” Xinhua, reprinted in People’s Daily (Online), 3 August 07.

<sup>141</sup> State Administration for Religious Affairs, Measures on the Management of the Reincarnation of Living Buddhas in Tibetan Buddhism [Zangchuan fojiao huofu zhuanshi guanli banfa] [hereinafter MMR], issued 13 July 07.

<sup>142</sup> State Council Information Office, “White Paper on Regional Ethnic Autonomy in Tibet,” Xinhua (Online), 23 May 04. There are approximately 1,700 monasteries and nunneries and 46,000 monks and nuns in the TAR. CECC Staff Interviews, September 2003. According to a Chinese official, there are 655 Tibetan Buddhist monasteries and nunneries and approximately 21,000 monks and nuns in Qinghai province. An official in Huangnan (Malho) TAP in eastern Qinghai province reported that there are 83 monasteries and nunneries, 3,656 monks and nuns, and 116 Tibetan Buddhist reincarnations in the prefecture. (Based on the Huangnan figures, the ratio of the number of monasteries and nunneries in Huangnan to the number of reincarnations is about 1.4 to 1. The ratio of monks and nuns to reincarnations in Huangnan is approximately 32 to 1.) CECC Staff Interview, April 2004. According to a Chinese official, in Gansu province there are 276 Tibetan Buddhist monasteries and nunneries, approximately 10,000 monks and nuns, and 144 Tibetan Buddhist reincarnated teachers. (Based on these figures, the ratio of the number of monasteries and nunneries in Gansu to the number of reincarnations is approximately 1.9 to 1. The ratio of monks and nuns to reincarnations in Gansu is approximately 69 to 1.) Web site of the Sichuan Province Party Committee Policy Research Office, “Improve Capacity to Resolve Minority Issues, Make Efforts to Build a Harmonious Ganzi,” 10 August 05. There are 515 Tibetan Buddhist monasteries and nunneries and 37,916 monks and nuns in Ganzi (Kardze) Tibetan Autonomous Prefecture (TAP). (The data in these sources total 3,146 Tibetan Buddhist monasteries and nunneries and approximately 115,000 monks and nuns, and do not include monasteries and nunneries in Aba (Ngaba) Tibetan and Qiang Autonomous

Prefecture and Muli (Mili) Tibetan Autonomous County in Sichuan province, and Diqing (Dechen) TAP in Yunnan province.)

<sup>143</sup>Based on an estimated 3,300 Tibetan monasteries and nunneries, and extrapolating an estimate by applying the ratio of monasteries to reincarnations in Gansu province (1.9 to 1) and Huangnan TAP (1.4 to 1), an estimated total number of reincarnations could be more than 1,700 (based on the Gansu ratio) and more than 2,300 (based on the Huangnan ratio). The Gansu and Huangnan data samples are relatively small, however, and may not provide a reliable estimate. The Commission has very little information on the number of reincarnated teachers in the TAR; the proportion there may be lower than in some of the Tibetan areas of Sichuan and Qinghai provinces.

<sup>144</sup>“Reincarnation of Tibetan Living Buddhas Must Get Government Approval,” Xinhua, reprinted in People’s Daily (Online), 3 August 07.

<sup>145</sup>MMR, art. 3.

<sup>146</sup>Ibid., art. 4.

<sup>147</sup>Xining city, the capital of Qinghai province, has four urban districts (Chengdong, Chengxi, Chengzhong, and Chengbei), but there are no Tibetan Buddhist monasteries within the city districts.

<sup>148</sup>The Commission does not have official information on the number of reincarnated Tibetan Buddhist teachers at Drepung and Sera Monasteries, but each monastery has several according to unofficial reports.

<sup>149</sup>In comparison to the MMR, only Article 27 of the RRA addresses reincarnation (requiring government guidance and compliance with “historical conventions”). Articles 36–40 of the TAR 2006 Measures address reincarnation, but the measures apply only within the TAR and do not apply as many detailed requirements as the MMR. Only Article 23 of the TAR 1991 Measures refers to reincarnation (banning the involvement of “foreign forces” in confirming reincarnations).

<sup>150</sup>MMR, arts. 3–4.

<sup>151</sup>Ibid., arts. 5–7.

<sup>152</sup>Ibid., arts. 4, 7–9.

<sup>153</sup>Ibid., art. 10.

<sup>154</sup>Ibid., art. 12.

<sup>155</sup>Ibid., art. 11.

<sup>156</sup>“‘Our Own Come First’ in the Reincarnation of Living Buddhas,” Singtao Daily, 23 August 07 (Open Source Center, 13 September 07). The report does not state the date when the forum took place.

<sup>157</sup>“Ibid. ‘The meeting stressed that the Tibetan areas must strictly carry out the Management Measures for the Reincarnation of ‘Living Buddhas’ in Tibetan Buddhism, that ‘our own comes first’ in the reincarnation of living Buddhas, and that we must be on guard against interference by the Dalai Lama clique in exile abroad with the support of international hostile forces.”

<sup>158</sup>Ibid.

<sup>159</sup>The figures for 2004 and 2005, reported by the CECC 2006 Annual Report based on data available in the PPD as of August 2006, have not changed.

<sup>160</sup>The Commission’s Political Prisoner Database (PPD) is available Online at <http://ppd.cecc.gov>.

<sup>161</sup>The CECC 2005 Annual Report referred to the period 2002–2004 saying, “About two-thirds of the Tibetan political prisoners detained from 2002 onward are in Sichuan province, according to the PPD. Half of them are monks.”

<sup>162</sup>U.S. Commission on International Religious Freedom, “Annual Report of the Commission on International Religious Freedom,” 2 May 07, 123. “The Chinese government acknowledges that more than 100 Tibetan Buddhist monks and nuns are being held in prison.” The report does not provide a date for the Chinese statement or provide additional detail.

<sup>163</sup>Tibetan Centre for Human Rights and Democracy, “China Recommends ‘Patriotic Education’ Campaign in Tibet’s Monastic Institutions.” For example, TCHRD reported that as many as eight Sera monastery monks reportedly detained the previous July remained unidentified. As of September 2007, additional information about the outcome of their detentions is not available.

<sup>164</sup>Tibetan Centre for Human Rights and Democracy (Online), “Human Rights Update, October 2006. For example, TCHRD reported that Sera Monastery monk Thubten Samten “disappeared” in May 2006 after he behaved in a defiant manner to members of a patriotic education work team when they warned him not to display prohibited material in his room. As of September 2007, information about whether or not police detained him is not available.

<sup>165</sup>See, for example, International Campaign for Tibet, “The Communist Party as Living Buddha: The Crisis Facing Tibetan Religion Under Chinese Control,” 26 April 2007, 29, 43, 55, 75.

<sup>166</sup>U.S. Department of State, International Religious Freedom Report 2006, China. “The Government continued to refuse to allow access to Gendun Choekyi Nyima, . . . and his whereabouts were unknown. . . . All requests from the international community for access to the boy to confirm his well-being have been refused.” “UN Committee Recommends Independent Expert to Visit Boy Named As Panchen Lama,” CECC Virtual Academy (Online), 26 January 06.

<sup>167</sup>UN Commission on Human Rights (Online), “Summary of Cases Transmitted to Governments and Replies Received, 27 March 06, 24–25. The Special Rapporteur on Freedom of Religion or Belief sent a request to the Chinese government for information about Gedun Choekyi Nyima on June 9, 2005. The Chinese government provided a response on September 7, 2005.

<sup>168</sup>“It Is Both Illegal and Invalid for the Dalai Lama to Universally Identify the Reincarnated Soul Boy of the Panchen Lama,” People’s Daily, 1 December 95 (Open Source Center, 1 December 95).

<sup>169</sup>See CECC Annual Report 2006, Section V(d)—Freedom of Religion, for additional information about the Panchen Lama and Gyaltsen Norbu.

<sup>170</sup>Tibet Information Network, Background Briefing Papers: Documents and Statements from Tibet 1996–1997, 1998, 45. A November 4, 1996, article in the Tibet Daily said that there were 1,787 monasteries and nunneries in the TAR, and 46,000 monks and nuns. Tabulation on Nationalities of 2000 Population Census of China, Table 10–4. The Tibetan population of the TAR was 2,427,168 in 2000. (If the government enumeration of monks and nuns is accurate, then 1.9 percent of the TAR Tibetan population are Tibetan Buddhist monks and nuns, and 98 percent are living in secular society.)

<sup>171</sup>The Gelug tradition, established in the late 14th century, is the largest of several traditions of Tibetan Buddhism that are currently practiced. The Dalai Lama and Panchen Lama are the most revered spiritual teachers of the Gelug.

<sup>172</sup>CECC Staff Interviews.

<sup>173</sup>International Campaign for Tibet (Online), “Tibetans Banned From Marking Traditional Buddhist Anniversary,” 9 January 07. “All members of the Communist Party, government employees, retired cadres and staff, cadres and workers of business and enterprise work units and people’s collectives, and the broad masses of young students are not permitted to participate in or observe celebrations of the Gaden Ngachoe Festival.” (Gaden Ngachoe observes the passing in 1419 of Tsongkhapa, the founder of the Gelug tradition of Tibetan Buddhism, of which the Dalai Lama and Panchen Lama are the most revered spiritual teachers. The observance takes place on the 25th day of the 11th lunar month on the Tibetan calendar, December 15 in 2006.)

<sup>174</sup>Saga Dawa falls on the 15th day (the full moon) of the 4th month of the Tibetan lunar calendar. The day commemorates both the enlightenment and passing away of the Buddha. Saga Dawa fell on June 11 in 2006, and on May 31 in 2007.

<sup>175</sup>Tibetan Centre for Human Rights and Democracy (Online), “China intensifies prohibition of religious activities in Tibet during the holy month of Saka Dawa,” 19 May 07.

<sup>176</sup>CECC Staff Interviews.

<sup>177</sup>U.S. Department of State, Country Reports on Human Rights Practices—2006, China. “Government officials reportedly ordered Tibetans working for the government to refrain from going to temples during the Saga Dawa festival in May or risk losing their jobs.”

<sup>178</sup>“Dalai Lama’s Birthday celebrated by Tibetans across Tibet,” Phayul (Online), 5 July 07.

<sup>179</sup>“Work Report of the Tibet Autonomous Regional Government,” Tibet Daily, 29 January 03 (Open Source Center, 16 June 03). Legchog (Lieque), then-Chairman of the TAR government, said, “We carried out the work to confiscate and ban reactionary propaganda materials, cracked down on illegal exit to and entry from other countries, and checked ‘Trungha Yarsol’ [activities to mark the birthday of the Dalai Lama] and other illegal activities.”

<sup>180</sup>U.S. Department of State, Country Reports on Human Rights Practices—2006, China. The report refers to the Dalai Lama’s birthday in July 2006, saying, “The prohibition on celebrating the Dalai Lama’s birthday on July 6 continued.”

<sup>181</sup>“Dalai Lama’s Birthday celebrated by Tibetans across Tibet,” Phayul.

<sup>182</sup>“Grand Western Development Is a Vivacious Chapter in Implementation of ‘Three Represents’,” People’s Daily, 20 October 02 (Open Source Center, 20 October 02). “Since 1999, Comrade Jiang Zemin has frequently presided over meetings to specifically study the issue of implementing the strategy of great western development and has issued a series of important directives. In early 2000, the State Council founded a leading group for the development of the western region and presented the strategy of great western development.” State Council, “Some Opinions of the State Council on Continuing to Press Ahead with the Development of the Western Region,” Xinhua, 22 March 04 (Open Source Center, 29 March 04). “Practice provides ample evidence that the strategic decision by the CPC Central Committee and the State Council to develop the west is entirely correct and that all policy measures and key tasks pertaining to the development of the western region are entirely consistent with reality.” (The statement shows that the State Council considers implementation of GWD to be a matter of policy.)

<sup>183</sup>CECC, 2002 Annual Report, 40.

<sup>184</sup>“Qinghai-Tibet Railway Project to Start on June 29,” Xinhua (Online), 17 June 01. Railway construction was scheduled to begin on June 29, 2001. Completion would take six years.

<sup>185</sup>CECC, 2002 Annual Report, 40.

<sup>186</sup>CECC, 2003 Annual Report, 78.

<sup>187</sup>Ibid., 81.

<sup>188</sup>CECC, 2004 Annual Report, 97.

<sup>189</sup>Ibid., 97–98.

<sup>190</sup>CECC, 2005 Annual Report, 108.

<sup>191</sup>Ibid., 109.

<sup>192</sup>CECC, 2006 Annual Report, 166.

<sup>193</sup>Ibid., 168.

<sup>194</sup>CECC, 2002 Annual Report, 41. “The Commission recommends that the Congress appropriate increased funding for NGOs to develop programs that improve the health, education, and economic conditions of ethnic Tibetans.” CECC, 2003 Annual Report, 4. “The Congress should increase funding for U.S. nongovernmental organizations (Ngos) to develop programs that improve the health, education, and economic conditions of ethnic Tibetans living in Tibetan areas of China, and create direct, sustainable benefits for Tibetans without encouraging an influx of non-Tibetans into these areas.”

<sup>195</sup>Li Dezhu, “Large-Scale Development of Western China and China’s Nationality Problem,” Seeking Truth, 15 June 00 (Open Source Center, 15 June 00). Li Dezhu (Li Dek Su) addresses the social and ethnic implications of the program that Jiang Zemin launched in 1999. (The campaign is also known as Develop the West, and as Xibu da kaifa.)

<sup>196</sup>“Zhang Qingli Addresses ‘First Plenum’ of Tibet Military District Party Committee,” Tibet Daily, 20 April 07 (Open Source Center, 8 May 07).

<sup>197</sup>“Hu Jintao,” China Tibet Information Center (Online), visited 2 August 07.

<sup>198</sup>“Hu Jintao Takes Part in Deliberations by Delegation of Tibet Deputies,” Xinhua, 5 March 07 (Open Source Center), 5 March 07. Hu met with TAR delegates including Zhang Qingli and Jampa Phuntsog.

<sup>199</sup>PRC Regional Ethnic Autonomy Law [hereinafter REAL], enacted 31 May 84, amended 28 February 01.

<sup>200</sup>See, for example, REAL, amended 28 February 01, arts. 54–72.

<sup>201</sup>PRC Constitution, art. 4. “The people of all nationalities have the freedom to use and develop their own spoken and written languages, and to preserve or reform their own ways and customs.”

<sup>202</sup>REAL, enacted 31 May 84, art. 65.

<sup>203</sup>REAL, amended 28 February 01, art. 71.

<sup>204</sup>“Education, Employment Top Concerns for Tibetan Youth,” Radio Free Asia (Online), 13 July 07; “Tibetans Stage Rare Public Protest in Lhasa,” Radio Free Asia (Online), 8 November 06; Tibetan Government-in-Exile, “Abuse in Job Allocation in Tibet Drives Students to Streets,” 6 December 06. “Tibetan University Graduates Stage Public Protest, Allege Job Discrimination,” CECC Virtual Academy (Online), 15 December 06.

<sup>205</sup>REAL, enacted 31 May 84, art. 65.

<sup>206</sup>CECC, 2006 Annual Report, 169, citing Ma Rong and Tanzen Lhundup, “Temporary Migrants in Lhasa in 2005,” Section IV(4.8), Table 14. Based on a survey published by Chinese academics Ma Rong and Tanzen Lhundup, the rate of illiteracy among Tibetan migrants (32.3 percent) was almost 10 times higher than for Han migrants (3.3 percent), and Han migrants were better prepared to secure jobs that require skills learned in junior or senior middle school. Of the migrants surveyed, Han reached junior or senior middle school at about twice the rate of Tibetans: 53.7 percent of Han compared to 26 percent of Tibetans reached junior middle school, and 19.4 percent of Han compared to 9 percent of Tibetans reached senior middle school.

<sup>207</sup>REAL, amended 28 February 01, art. 71.

<sup>208</sup>Provisions of the State Council for Implementing the Law on Regional Ethnic Autonomy of the People’s Republic of China [hereinafter REAL Implementing Provisions], issued 11 May 05.

<sup>209</sup>“PRC Western Development Official on 4 Key Aspects of New Preferential Policies,” China Daily, 23 October 00 (Open Source Center, 23 October 00). “Wang Chunzheng, deputy director of the State Council’s Western Development Office, said the policies focus on four key aspects; increasing capital input, improving the investment environment, attracting skilled personnel and boosting the development of science and technology. This is the first time that China has summarized the measures to be carried out in its ‘Go-West’ campaign, . . .”

<sup>210</sup>REAL Implementing Measures, art. 29. “The State encourages and supports talents of all categories and classes to develop and pioneer in ethnic autonomous areas and local government shall offer preferential and convenient working and living conditions to them. Dependents and children of cadres of Han nationality or ethnic minorities who go to work in remote, tough, and frigid ethnic autonomous areas shall enjoy special treatment in employment and schooling.”

<sup>211</sup>REAL, amended 28 February 01, art. 22.

<sup>212</sup>Li Dezhu, “Large-Scale Development of Western China and China’s Nationality Problem.”

<sup>213</sup>“Law on Western Development in Pipeline,” China Daily (Online), 14 March 06.

<sup>214</sup>TAR Regulations on the Study, Use and Development of the Tibetan Language [hereinafter TAR Language Regulations], adopted July 9, 1987, by the Fifth Session of the Fourth TAR People’s Congress, and amended on May 22, 2002, by the Fifth Session of the Seventh TAR People’s Congress.

<sup>215</sup>TAR Language Regulations, arts. 3–5. Mandarin and Tibetan have “equal effect” when government agencies at any level in the TAR are “carrying out their duties.” Government and regional enterprise meetings may use either or both of the Tibetan and Mandarin languages. Official documents must be issued in both languages. Citizens of ethnic minorities are “assured of the right to use their native language to carry out legal proceedings.”

<sup>216</sup>State Council Information Office, White Paper on New Progress in Human Rights in the Tibet Autonomous Region, February 1998.

<sup>217</sup>“Report on the Outline of The 10th Five-Year Plan for National Economic and Social Development by Chinese Premier Zhu Rongji at the Opening of the Fourth Session of the Ninth National People’s Congress at the Great Hall of the People in Beijing,” China Central Television, 5 March 01 (Open Source Center, 5 March 01). Premier Zhu said, “During the Tenth Five-Year Plan period, we need to place emphasis on key projects for a good beginning to the program. . . . We must focus on a number of major projects of strategic significance, such as the transmission of natural gas and electricity from western to eastern regions and the planned Qinghai-Tibet Railway.” State Council Office of Western Region Development, “Implementation Opinions Concerning Policies and Measures Pertaining to the Development of the Western Region,” Xinhua, 20 December 01 (Open Source Center, 15 January 01). “Resources must be concentrated on the construction of a host of major projects that impact the development of the western region as a whole, such as the “West China-East China Gas Pipeline Project,” the “West China-East China Power Transmission Project,” the Qinghai-Tibet Railway, major state highways, and the proper exploitation, conservation, and utilization of water resources.”

<sup>218</sup>“Figures Related to Qinghai-Tibet Railway on its One Year Inauguration Anniversary,” Xinhua (Online), 01 July 07.

<sup>219</sup>Tibetan Center for Human Rights and Democracy (Online), Annual Report 2006, 02 March 07, 5. “The railway facilitating a huge population influx, including Chinese settlers into Tibet, is bound to inevitably change Tibet physically and culturally causing further alienation of Tibetan identity.”

<sup>220</sup>“Education, Employment Top Concerns for Tibetan Youth,” Radio Free Asia (Online), 13 July 2007. The report does not refer to the Qinghai-Tibet railway or to an increase in the Chinese population. It cites the increasing importance of having fluency in Mandarin language in

order to secure a good job. The other factor necessary for finding a job is “making the right connections.”

<sup>221</sup> “Tibet Official: Tibet Not to be ‘Assimilated’ by Han Amid Huge Investment,” Xinhua (Online), 20 June 07. Jampa Phuntsog supported his assertion by pointing out, “The customs and traditional festivals also remain unchanged after millions of tourists flock there following the central government’s large amount investment in the region.”

<sup>222</sup> “Figures Related to Qinghai-Tibet Railway on its One Year Inauguration Anniversary,” Xinhua. “A year after its inauguration, the railway has transported 1.5 million passengers into Tibet, nearly half of the total tourists arrivals in the region.”

<sup>223</sup> “Tibetan Railway to Transport 4,000 More Tourists Each Day,” China Tibet Information Center (Online), 22 May 06.

<sup>224</sup> “Tibet Expects 6 Million Tourist Arrivals by 2010,” Xinhua, reprinted in People’s Daily (Online), 7 June 07. “The region hosted more than 2.5 million tourists last year, including 154,800 from overseas.” “More Than 1.1 mln Tourists Visit Tibet in First Half Year,” Xinhua (Online), 11 July 07. “More than 1.1 million tourists traveled to Tibet in the first six months of the year, up 86.3 percent over the same period last year, according to the local tourism authority.”

<sup>225</sup> “Qinghai-Tibet Railway Transports 270,000 Passengers,” Xinhua (Online), 14 September 06. “About 40 percent of the passengers were tourists, 30 percent business people and the rest students, transient workers, traders and people visiting relatives in Tibet.”

<sup>226</sup> “Tibet Rail Construction Completed,” China Daily (Online), 15 October 05. “The line is expected to attract tourists, traders and ethnic Chinese settlers who currently have to take either expensive flights to Lhasa or bone-shaking bus rides.”

<sup>227</sup> “Callers Decry Impact of Tibet Railway,” Radio Free Asia (Online), 31 July 07.

<sup>228</sup> Ibid.

<sup>229</sup> Tibetan Centre for Human Rights and Democracy (Online), “Tibetan People in Lhasa Reel Under Influx of Chinese Migrants,” 3 August 07.

<sup>230</sup> John K. Fairbank and Roderick MacFarquhar, eds., *The Cambridge History of China*, Vol. 14, (New York: Cambridge University Press, 1978), 368: “Map 7. Railway Construction between 1949 and 1960.” The railroads linking Jining, Hohhot, and Baotou in Inner Mongolia were built before the PRC was founded.

<sup>231</sup> State Council Information Office, “White Paper on History and Development of Xinjiang,” Xinhua (Online), 26 May 03.

<sup>232</sup> Tabulation on Nationalities of 2000 Population Census of China, Department of Population, Social, Science and Technology Statistics, National Bureau of Statistics, and Department of Economic Development, State Ethnic Affairs Commission (Beijing: Ethnic Publishing House, September 2003) Table 10–1: total population of the Inner Mongolia Autonomous Region (IMAR) was 23,323,347, of whom 18,465,586 were Han; total population of the Xinjiang Uighur Autonomous Region (XUAR) was 18,459,511, of whom 7,489,919 were Han; total population of the Tibet Autonomous Region (TAR) was 2,616,329, of whom 158,570 were Han. Table 10–2: total Mongol population of the IMAR was 3,995,349. Table 10–5: total Uighur population of the XUAR was 8,345,622. Table 10–4: total Tibetan population of the TAR was 2,427,168. In the IMAR, the ratio of Han to Mongol was approximately 4.6:1; in the XUAR, the ratio of Han to Uighur was approximately 0.9:1; in the TAR, the ratio of Han to Tibetan was approximately 0.07:1.

<sup>233</sup> Human Rights Watch (Online), “‘No One Has the Liberty to Refuse’—Tibetan Herders Forcibly Relocated in Gansu, Qinghai, Sichuan, and the Tibet Autonomous Region,” 11 June 07, 3. A Tibetan herder from Maqin (Machen) county, Guoluo (Golog) Tibetan Autonomous Prefecture in Qinghai province (November 2004): “They are destroying our Tibetan [herder] communities by not letting us live in our area and thus wiping out our livelihood completely, making it difficult for us to survive in this world, as we have been [herders] for generations. The Chinese are not letting us carry on our occupation and forcing us to live in Chinese-built towns, which will leave us with no livestock and we won’t be able to do any other work. . . .”

<sup>234</sup> Zhang Qingli, “Grasp the Two Major Affairs of Development and Stability, Promote the Building of a Harmonious Tibet,” Seeking Truth, 16 January 07 (Open Source Center, 18 January 07).

<sup>235</sup> Human Rights Watch, “No One Has the Liberty to Refuse,” 3. According to the report, the current program to settle nomadic herders began in 2000 and has intensified in some areas since 2003.

<sup>236</sup> Zhang Qingli, “Grasp the Two Major Affairs of Development and Stability.”

<sup>237</sup> Hu Jintao served as the TAR Communist Party Secretary from 1988–1992.

<sup>238</sup> “Hu Jintao Takes Part in Deliberations by Delegation of Tibet Deputies,” Xinhua, 5 March 07 (Open Source Center), 5 March 07.

<sup>239</sup> Zhang Qingli, “Grasp the Two Major Affairs of Development and Stability.”

<sup>240</sup> Ibid.

<sup>241</sup> Ibid.

<sup>242</sup> Human Rights Watch, “No One Has the Liberty to Refuse,” 3.

<sup>243</sup> Ibid., 27.

<sup>244</sup> Ibid., 17–18. “The [policy] known as ‘revert pasture to grassland’ (tuimu huancao), was aimed at reversing degradation in pastoral regions by imposing total, temporary, or seasonal bans on grazing.”

<sup>245</sup> Ibid., 45. “Tibetan herders had pursued their way of life for centuries without causing harm to the grassland; damage emerged only after the imposition of policies such as collectivization.”

<sup>246</sup> Ibid., 26–38.

<sup>247</sup> Ibid. The report provides as examples art. 13 (“the right of citizens to own lawfully earned income, savings, houses and other lawful property”); art. 41 (“the right to criticize and make suggestions,” “the right to make to relevant state organs complaints and charges against, or exposures of, violation of the law or dereliction of duty”); and art. 111 (“committees for people’s

mediation,” “mediate civil disputes,” “convey residents’ opinions and demands and make suggestions to the people’s government”).

<sup>248</sup> *Ibid.*, 57.

<sup>249</sup> *Ibid.*, 43.

<sup>250</sup> “More Nomadic Tibetan Herders Settle Down,” Xinhua (Online), 2 September 04; “Government Campaign to Settle Tibetan Nomads Moving Toward Completion,” CECC China Human Rights and Rule of Law Update, November 2005, 8.

<sup>251</sup> Hamish McDonald, “China Anxious To Prove Settled Life is Better for Tibetan Nomads,” Sydney Morning Herald (Online), 5 October 05; “Government Campaign to Settle Tibetan Nomads Moving Toward Completion,” CECC China Human Rights and Rule of Law Update, November 2005, 8.

<sup>252</sup> CECC Staff Interviews. The nomad families lived in Gannan (Kanlho) TAP and Tianzhu (Pari) Tibetan Autonomous County. “Government Campaign to Settle Tibetan Nomads Moving Toward Completion,” CECC China Human Rights and Rule of Law Update, November 2005, 8.

<sup>253</sup> “Tibet Official Denies Forced Relocation of Herdsmen,” Xinhua (Online), 20 June 07.

<sup>254</sup> *Ibid.*

<sup>255</sup> “Zhang Qingli Addresses ‘First Plenum’ of Tibet Military District Party Committee,” Tibet Daily, 20 April 07 (Open Source Center, 8 May 07). “250,000 Tibetans move into new houses in 2006,” China Tibet Information Center (Online), 16 January 07. “The ‘Housing Project’ which has been put into operation since 2006 aims at improving locals’ living condition and special attention has been put into the house renovation, nomads’ settle-down and moving because of endemic [local health problems].”

<sup>256</sup> “Party Chief Brings Tibet New Homes,” China Daily, reprinted in People’s Daily (Online), 15 March 07.

<sup>257</sup> *Ibid.*

<sup>258</sup> Tabulation on Nationalities of 2000 Population Census of China. Table 1–2 shows 2,427,168 Tibetans in the TAR. Table 1–2c shows that 2,058,011 of them are classified as “rural.”

<sup>259</sup> “250,000 Tibetans move into new houses in 2006,” China Tibet Information Center (Online), 16 January 07. The article states, “The ‘Housing Project’ mostly reduces the cost of building houses for local Tibetans as the subsidy varying from 10,000 yuan to 25,000 yuan has been offered to locals.”

<sup>260</sup> “Party Chief Brings Tibet New Homes,” China Daily. “It would cost a rural Tibetan about 60,000 yuan to build a new house with a floor space of about 200 square meters. Part of that money could come from the autonomous region’s government. Farmers can apply to receive 10,000 yuan; a herdsman can apply for 15,000 yuan; and a resident of a poverty-stricken area can seek up to 25,000 yuan.”

<sup>261</sup> Human Rights Watch (Online), “Tibet: China Must End Rural Reconstruction Campaign,” 20 December 06.

<sup>262</sup> *Ibid.* “The cost of building a new house that meets the government’s standards is about US\$5,000–US\$6,000, though the government lends households only about US\$1,200 for construction costs.”

<sup>263</sup> “Tibet Population Tops 2.8 Million,” Xinhua (Online), 12 April 07. In the TAR in 2006, “Farmers and herders posted a per capita net annual income of 2,435 yuan, . . .” “China’s GDP Grows 10.7% in 2006,” China Daily, reprinted in Xinhua, 25 January 07. In 2006, “Last year, rural residents in China had their per-capita income increase by 10.2 percent to 3,587 yuan.” (Based on these figures, the average rural income in the TAR is 68 percent of the national average.)

<sup>264</sup> Human Rights Watch, “Tibet: China Must End Rural Reconstruction Campaign.”

<sup>265</sup> “Tibet is Remade by Hand of Chinese Government by Force,” McClatchy Newspapers, 29 July 07, reprinted in Phayul, 30 July 07.

<sup>266</sup> Tibetan Centre for Human Rights and Democracy (Online), Human Rights Update and Archives, “The Rural Reconstruction Campaign in Tibet Against the Will and Wishes of the Residents,” April 2007.

<sup>267</sup> *Ibid.*

<sup>268</sup> *Ibid.*

<sup>269</sup> See, e.g., the Universal Declaration of Human Rights, adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December 48, arts. 2, 7, 18, 19, 20; International Covenant on Civil and Political Rights (ICCPR) adopted by General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, arts. 2(1), 18, 19, 21, 22, 26, 27; International Covenant on Economic, Social, and Cultural Rights (ICESCR) adopted by General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 3 January 76, art. 2(1, 2).

<sup>270</sup> “China to Monitor Ethnic Relations,” Xinhua (Online), 29 March 07. The State Council announced a monitoring mechanism to deal with “emergencies resulting from ethnic issues.” The mechanism aims to “clamp down on ethnic separatism so as to safeguard ethnic unity, social stability, and national security.” (The report provides an update about government efforts to crack down on what it deems to be ethno-nationalism.)

<sup>271</sup> CECC, 2002 Annual Report, 38.

<sup>272</sup> PRC Constitution, art. 54.

<sup>273</sup> CECC, 2006 Annual Report, 170–71.

<sup>274</sup> PRC Criminal Law, art. 103 (“organize, plot or carry out the scheme of splitting the State or undermining unity of the country;” “incites others to split the State or undermine unity of the country”). The Commission’s Political Prisoner Database does not contain official charge information for many Tibetan cases, but official Chinese media reports, as well as unofficial reports, frequently provide information indicating a charge of splittism.

<sup>275</sup> *Ibid.*, art. 102–113.

<sup>276</sup> Dui Hua Dialogue, "Official Responses Reveal Many Sentence Adjustments," Fall 2006, 6; "Officials Extend Tibetan's Sentence for Shouting Pro-Dalai Lama Slogans in Prison," CECC China Human Rights and Rule of Law Update, December 2006, 17.

<sup>277</sup> "Chinese Court Has Jailed More Than 20 'Reactionary' Tibetans Since 1996," Radio Free Asia (Online), 1 September 05; "Court Official Acknowledges Imprisoning Tibetans Who Carried Dalai Lama Photos Into the TAR," CECC China Human Rights and Rule of Law Update, October 2005, 4–5.

<sup>278</sup> "Tibetan Jailed for Three Years," Radio Free Asia (Online), 9 March 07. (The RFA report did not provide information about the charges against Penpa. Charges arising from possessing material pertaining to the Dalai Lama are likely to be based on Article 103 of the Criminal Law (inciting splittism).)

<sup>279</sup> Ibid. (The RFA report did not provide information about the charges against Penpa. Charges arising from possessing material pertaining to the Dalai Lama are likely to be based on Article 103 of the Criminal Law (inciting splittism).)

<sup>280</sup> "Three Tibetan Women Arrested in Lhasa," Phayul (Online), 15 June 06; "Chinese Authorities Detain Five Tibetans for Alleged Leafleting," Radio Free Asia (Online), 16 June 06; "Tibetan Monk Faces Eight Years for Separatism," Radio Free Asia (Online), 14 July 06; "China Detains Teenage Girl for Writing Pro-Independence Leaflets," Radio Free Asia (Online), 18 August 06; "China Detains Tibetan Abbot in Sichuan," Radio Free Asia (Online), 7 September 06; "Another Tibetan Monk Arrested," Radio Free Asia (Online), 19 September 06; "Officials Detain Nine Tibetan Residents of Sichuan for Links to Leaflets, Posters," CECC China Human Rights and Rule of Law Update, November 2006, 3–4.

<sup>281</sup> "China Detains Teenage Girl for Writing Pro-Independence Leaflets," Radio Free Asia.

<sup>282</sup> "Tibetan Monk Faces Eight Years for Separatism," Radio Free Asia; "Another Tibetan Monk Arrested," Radio Free Asia. Namkha Gyaltzen was reportedly held in a detention center in Aba (Ngaba) Tibetan and Qiang Autonomous Prefecture in Sichuan province, according to RFA, and Lobsang Palden is presumed to be detained in Ganzi TAP.

<sup>283</sup> "China Detains Tibetan Abbot in Sichuan," Radio Free Asia.

<sup>284</sup> Tibetan Centre for Human Rights and Democracy (Online), "Monk Sentenced to Five Years Term for Distributing Political Pamphlets," 14 November 06.

<sup>285</sup> Dui Hua Dialogue, "Summary of Recent Prisoner Responses," Spring 2007, 7.

<sup>286</sup> Tibetan Centre for Human Rights and Democracy (Online), "Former Tibetan Political Prisoner Served With 12 Years Prison Term," 24 November 06. According to the TCHRD report, Sonam Gyalpo's family appealed his case. No additional information is available about the appeal.

<sup>287</sup> Dui Hua Dialogue, "Summary of Recent Prisoner Responses."

<sup>288</sup> TibetInfoNet (Online), "Detentions Before 40th Anniversary of TAR," 9 September 2005.

<sup>289</sup> Ibid. Sonam Gyalpo was sentenced to three years' imprisonment in TAR Prison (Drapchi) after he supported a protest march by monks in Lhasa on September 27, 1987. He was held without charge for about one year in the TAR Police Detention Center (Sitru) after July 1993, when he returned to the TAR following an undocumented visit to India. Dui Hua Dialogue, "Summary of Recent Prisoner Responses." Dui Hua reports that, according to the official Chinese response, Sonam Gyalpo was sentenced to three years in prison in January 1989 for "counterrevolutionary propaganda and incitement." (It is not clear whether the three-year sentence began in 1987 or 1989.)

<sup>290</sup> Dui Hua Dialogue, "Summary of Recent Prisoner Responses."

<sup>291</sup> Ibid.

<sup>292</sup> Tibetan Centre for Human Rights and Democracy (Online), "Commentary Manuscript Lands Tibetan Youth Ten Years in Prison," 25 July 06.

<sup>293</sup> Ibid.

<sup>294</sup> International Campaign for Tibet (Online), "Tibetan Scholar Sentenced to Ten Years in Prison After Writing Book on History and Culture," 8 August 06.

<sup>295</sup> Dui Hua Dialogue, "Summary of Recent Prisoner Responses," Spring 2007, 7.

<sup>296</sup> International Campaign for Tibet, "Tibetan Scholar Sentenced to Ten Years." ICT obtained a copy of the letter.

<sup>297</sup> "Official Information Confirms Sentence for Tibetan Nun Who Put Up Posters," CECC China Human Rights and Rule of Law Update, December 2006, 17.

<sup>298</sup> Free Tibet Campaign (Online), "Four Monks and Nuns Arrested for Displaying Dalai Lama Poster," 30 January 06; "Gansu Court Sentences Five Tibetan Monks and Nuns for Protest Posters," CECC China Human Rights and Rule of Law Update, March 2006, 10–11; Radio Free Asia (Online), "China Arrests Tibetan Monks, Nuns for Dalai Lama Poster," 20 December 05; Tibetan Centre for Human Rights and Democracy (Online), "Arrest of Tibetan Monks for Postings Calling for Freedom in Tibet," 15 July 05; "Official Information Confirms Sentence for Tibetan Nun Who Put Up Posters," CECC China Human Rights and Rule of Law Update, December 2006, 17.

<sup>299</sup> "Five Tibetan Monks Jailed in Western China," Radio Free Asia (Online), 13 February 05; Tibetan Centre for Human Rights and Democracy, Human Rights Update February 2005, "Monks Imprisoned for Political Journal," April 2005.

<sup>300</sup> International Campaign for Tibet (Online), "Long Sentences for Tibetan Political Prisoners for 'Splittist' Offences," 12 May 06. The ICT report contains a link to an ICT translation of the sentencing document. "Lhasa Court Commutes Life Sentence for Children's Home Director to 19 Years," CECC China Human Rights and Rule of Law Update, April 2006, 16. The sentencing document lists evidence against Bangri Chogtrul that includes meeting the Dalai Lama, accepting a donation for the home from a foundation in India, and a business relationship with a Tibetan contractor who lowered a Chinese flag in Lhasa in 1999 and tried to blow himself up. Jigme Tenzin Nyima acknowledged meeting the Dalai Lama, accepting the contribution, and knowing the contractor, but he denied the charges against him and rejected the court's portrayal of events.

<sup>301</sup>Dui Hua (Online), "Dui Hua Executive Director Attends Trials, Explores Judicial Openness, Clemency Granted to Tibetan Monk, Labor Activist," 28 February 06.

<sup>302</sup>"The Execution of Lobsang Dondrub and the Case Against Tenzin Delek: The Law, the Courts, and the Debate on Legality," Topic Paper of the Congressional-Executive Commission on China, February 2003; Human Rights Watch (Online), Trials of a Tibetan Monk: The Case of Tenzin Delek, 9 February 04.

<sup>303</sup>Ibid.

<sup>304</sup>"Tibetan Monk Involved in Terrorist Bombing Still in Prison," Xinhua (Online), 31 December 04.

<sup>305</sup>Tibetan Centre for Human Rights and Democracy (Online), "A Tibetan Arrested in Lithang for Political Demonstration," 2 August 07.

<sup>306</sup>International Campaign for Tibet (Online), "Security Crackdown Feared Following Public Appeal by Tibetan for Return of Dalai Lama," 2 August 07; "Scores of Tibetans Detained for Protesting at Festival," Radio Free Asia (Online), 2 August 07.

<sup>307</sup>International Campaign for Tibet (Online), "Official Petition on Dalai Lama May Have Provoked Lithang Action," 10 August 07. According to an ICT source: "It seems that most of the local population knew about this petition being circulated by officials, and it caused an increase in tension and anxiety. People in this area revere His Holiness the Dalai Lama, and Runggye Adak's action could have been a response to this provocative move by officials. Local people may have somehow wanted to demonstrate that this petition is a lie, and did not represent the wishes of Tibetans in Lithang."

<sup>308</sup>"Villager Detained for Inciting Separation," Xinhua, reprinted in China Daily (Online), 3 August 07.

<sup>309</sup>International Campaign for Tibet (Online), "New Images Confirm Dispersal of Tibetans by Armed Police After Lithang Protest: Runggye Adak's Relatives Taken Into Custody," 24 August 07.

<sup>310</sup>Tibetan Centre for Human Rights and Democracy (Online), "The Chinese Authorities Transfer Adruk Lopoe to an Unknown Location, Arrest Another Tibetan Nomad," 28 August 07; International Campaign for Tibet, "New Images Confirm Dispersal of Tibetans by Armed Police After Lithang Protest," Tibetan Centre for Human Rights and Democracy (Online), "China Arrest Three Nephews of Ronggye A'drak in Lithang," 22 August 07.

<sup>311</sup>Tibetan Centre for Human Rights and Democracy (Online), "The Chinese Authorities Transfer Adruk Lopoe to an Unknown Location, Arrest Another Tibetan Nomad," 28 August 07.

<sup>312</sup>Human Rights in China (Online), "Tibetan Schoolboys Detained as Crackdown Worsens," 20 September 07.

<sup>313</sup>Ibid. The students allegedly wrote slogans on walls of the village police station, and elsewhere in the village.

<sup>314</sup>Ibid. According to the report, authorities held the students at a village police station from September 7–9 and allowed families to access the children.

<sup>315</sup>It is commonplace for multiple Tibetans in the same community to have identical names. Generally, Tibetan names do not include a family name.

<sup>316</sup>The number of known cases of current Tibetan political detention or imprisonment reported in CECC Annual Reports: 2002 Annual Report, 39, "less than 200," based on a 2002 report by the Tibet Information Network (TIN); 2003 Annual Report, 79, "approximately 150," based on a March 2003 TIN report; 2004 Annual Report, 101, "145 prisoners," based on a February 2004 TIN report; 2005 Annual Report, 112, "120 current cases," based on CECC Political Prisoner Database information current in June 2005; 2006 Annual Report, 171, "103 known cases of current Tibetan political detention or imprisonment," based on PPD information current in August 2006.

<sup>317</sup>Dui Hua Dialogue, "Official Responses Reveal Many Sentence Adjustments."

<sup>318</sup>United Nations Commission on Human Rights, Working Group on Arbitrary Detention, Decisions adopted by the Working Group on Arbitrary Detention, Decision No. 65/1993, 5 October 94.